



ORDINANCE NO. 13226 - 2017

AN ORDINANCE PROVIDING FOR THE GENDER AND DEVELOPMENT CODE OF CAGAYAN DE ORO CITY OF 2017 AND FOR OTHER PURPOSES

BE IT ORDAINED by the City Council (*Sangguniang Panlungsod*) of Cagayan de Oro in session duly assembled that:

**TITLE I
BASIC PRINCIPLES**

**CHAPTER 1
Title, Purpose, Policy and Principles**

SECTION 1. TITLE. – This Ordinance shall be known and cited as the **Cagayan de Oro City Gender and Development Code** (CdeO GAD Code) of 2017.

SECTION 2. STATEMENT OF PURPOSE. - The Local Government of Cagayan de Oro City uphold the equal rights of women regardless of class, age, religion, belief and tribe, thus it supports all development processes where women take active role and responsibilities. It acknowledges its responsibilities in ensuring that women should be given equal access and control of her personhood and resources. Despite of the City's initiative in crafting legislation and providing programs and projects to women, the status of women has remained wanting of its full potential. The GAD Code shall be the manifestation of the Local Government of Cagayan de Oro in adhering to the fundamental rights of women. This shall serve as the blueprint that will provide policy direction to formulate programs and strategies, among others, that will:

- a) Mainstreaming women's concern in sectoral development plan, policies and programs.
- b) Intensify awareness campaign on women's issues and concerns.
- c) Strengthen GO-PO-NGO partnership to maximize the effectiveness of programs and services addressing Gender and Development (GAD) concerns.
- d) Encourage support and expand the participation of grassroots women in the planning, implementation, monitoring and evaluation of development programs and projects.
- e) Recommend appropriate and relevant curricula at all academic levels that are gender sensitive.
- f) Provide gender responsive relief and rehabilitation programs with special focus on women and children's needs.
- g) Provide a comprehensive health program, with special attention to the reproductive health of women.
- h) Set up crisis intervention centers and shelters for survivors of violence against women and children and other social conflicts.
- i) Promote gender sensitivity in local media and advertising agencies.
- j) Increase the number of women in decision and policy-making posts in the locality through implementation of capability programs.
- k) Aid in legislation for the protection and welfare of women.
- l) Establish necessary mechanism to enable women to participate in development programs and gain access to non-traditional sources of livelihood, credit financing, productive skills and labor saving technologies.

SECTION 3. - STATEMENT OF POLICY. It shall be the policy of the Local Government of Cagayan de Oro City to uphold the rights of women and the belief in their self-worth and dignity as human beings. Women shall be recognized as full and equal partners of men in development and nation building consistent with the provisions of Article 11, Section 14 of the 1987 Philippine Constitution; the R.A. 7192, otherwise known as Women in Development and Nation Building Act; the UN Convention on the Elimination of all Forms of Discrimination Against Women (UNCEDAW); and Republic Act No. 9710, otherwise known as "An Act Providing for the Magna Carta of Women". The men shall likewise be encouraged to share equal responsibilities in the productive and reproductive activities at home and the communities.

The Local Government of Cagayan de Oro City shall actively contribute to the establishment of a national and international economic order based on sustained, equitable growth and balanced ecology.



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And that any development efforts it undertakes should enhance women's full potentials, uplift their status and lead to the improvement of their quality of lives, their families and that of their communities.

Towards this end, the Local Government of Cagayan de Oro City shall pursue and implement vigorously gender responsive development policies, design and integrate gender and development support systems, taking into consideration women's immediate economic survival with support for their efforts of empowerment and self-determination and to adopt and implement measures to protect and promote their rights.

Pursuant to the foregoing policy, the following shall be mandated:

- a) All local government department and agencies of Cagayan de Oro City shall ensure that women benefit equally and participate directly in the development programs and projects of said departments and agencies, to ensure full participation and involvement of women in the development process pursuant to RA 7192, the Women in Development and Nation Building Act.
- b) A substantial amount of at least thirty percent (30%) of the Official Development Assistance funds received from foreign governments and multi-lateral agencies and organizations shall be set aside and utilized in accordance with the provision of RA 7192 otherwise known as Women in Development and Nation Building Act, by the local government departments and agencies of Cagayan de Oro City concerned to support programs and activities for women.
- c) All local government agencies and departments of Cagayan de Oro City upon effectivity of this Code shall review and revise their regulations, circulars, issuances and procedures to remove gender bias therein, and shall complete the same within one (1) year.
- d) All government project proposals shall ascertain the inclusion of gender responsive indicators and guidelines while not be remiss in locating the root of women's oppression, pursuant to the United Nation's Declaration of which the Philippines is signatory.
- e) The LGU-GAD Focal Point System (LGU-GFPS) shall be actively consulted in matters dealing with official development assistance or foreign aid so as to determine gender biases and implications on women.

SECTION 4. - DECLARATION OF PRINCIPLES. Rights of Women are those that are defined and declared by the United Nations under the Convention on the Elimination of Discrimination Against Women (CEDAW) which is hereby adopted as follows:

- a. Women have the right to the prevention of, and protection from all forms of violence and coercion against their person, freedom, sexuality or individuality.
- b. Women have the right to the means for assuring their economic welfare and security.
- c. Women have the right to freely and fully participate individually or collectively in the political processes of their communities and nations.
- d. Women have the right to the necessary knowledge and means for the full exercise of their reproductive choice in accordance with the Constitution and their beliefs and preferences.
- e. Women have the right to choose a spouse in accordance with their values and preferences, maintain equality in marriage or its dissolution, and obtain adequate support for rearing and caring for their children.
- f. Women have the right to an adequate, relevant and gender fair education throughout their lives from childhood to adulthood.
- g. Women have the right to adequate nutrition and proper health care.
- h. Women have the right to humane living conditions.
- i. Women have the right to nurture their personhood, collectively and individually, to secure an image of themselves as whole and valuable human beings, and to build relationships based on respect, trust and mutuality.
- j. Women have the right to equality before the law in principles as well as in practice.



CHAPTER 2
Definition of Terms

SECTION 5. - DEFINITION OF TERMS. - For the purpose of this GAD Code the following are defined as:

- a. **Commodification of Women** – is a practice, which puts women in sub-ordinate situation, which results in the treatment of women as both consumers and objects. As consumers, women are allured to buy beauty products to enhance their physical attractiveness. As objects of consumption, women are reduced to a sexual commodity for manipulation and utilization for one's sexual desire or interest usually in exchange of money or goods so that women have no control or power to reject such utilization or manipulation.
- b. **Development** – is the improvement of the quality of life of all regardless of age, sex, gender, tribe, race, creed and religion. It is characterized by an enrichment of Filipino indigenous resources, sustainable utilization of the natural resources of the country and freedom from dependency. It is therefore, a sustained equitable growth and balanced ecology.
- c. **Women with Disability** – are women survivors of physical impairments and have differentiated needs and potentials including physical, intellectual, sensory, mental or chronic illness.
- d. **Discrimination Against Women** – any distinction, exclusion or restriction made on the basis of sex which has purpose or effect of impairing or nullifying the recognition, enjoyment or exercise by women of their rights irrespective of their marital status.
- e. **Entertainment Industry** – includes establishment identified as places of amusement as defined by Ordinance No. 4373-94, otherwise known as the Codified Ordinance of the Cagayan de Oro City.
- f. **Gender** – is a socially constructed difference between men and women. Differences are created artificially, partly through socialization and partly through positive and negative discrimination in the various institutions and structures of society.
- g. **Gender and Development (GAD)** – shall refer to the development perspective which recognizes the equal contribution of women, men, and lesbian, gay, bisexual and transgender (LGBT), child, elderly and indigenous people in all development spheres. Such a perspective involves the process of searching for new innovative initiatives, which transform unequal gender relations into opportunities, which are equally beneficial to all men, women, children, elderly and indigenous people and including the LGBT Sector.
- h. **Gender Sensitization** – is an experiential and critical process of learning and unlearning by an individual, female or male, of the causes and effects of the culturally determined roles of women and men.
- i. **Gender Sensitivity** - is the way service providers treat male or female clients in service delivery facilities and thus affects client willingness to seek services, continue to use services, and carry out the health behaviors advocated by the services.
- i. **Indigenous People** – is a group of people who have continuously lived as organized community or 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, customs, tradition and other distinctive cultural traits. They are regarded as indigenous on account of their descent from the populations who have inhabited the country, at the time of conquest and colonization and who retain some or all of their own, social, economic, cultural and political institution and may have been displaced from their traditional domain or who may have resettled outside their ancestral domain.
- j. **Land-based Projects** – are activities designed systematically in order to provide women the opportunity to have full access and control over the maximum utilization of land and other indigenous resources.
- k. **Other places of amusement** – include all other places of amusement not specifically enumerated or otherwise provided in the Ordinance including but not limited to nightclubs or day clubs, cocktail lounge, super family clubs, disco houses, minus-one or sing-along houses, bars or beerhouses/gardens, fast food centers showing sports, competitions or replay shows by direct hook up via satellite or those



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- showing video cassette films/movies, beach resorts and other places of amusement where one seeks admission to entertain oneself by seeing or viewing or by direct participation.
- l. **Pornography** – is a written, graphic or other forms of communications intended to excite lascivious feelings (the Grolier International Dictionary, Volume 2).
 - m. **Prostitution** – is the sale, purchase and exchange of women and minors for sexual exploitation, cash, profit or other economic considerations by an individual, including but not limited to pimp, procurer of the service, parents, owners of establishments such as disco houses, bars, sauna baths, massage clinics, hotels and restaurants and any other persons who use various schemes to prostitute women and minors.
 - n. **Psychosocial Program** - is an intervention using a system approach to conditions of women as it views women's differentiated needs in social context.
 - o. **Reproductive Health** – is a state of complete physical, mental and social well-being and not merely the absence of disease and infirmity, in all matters relating to the reproductive system and to its functions and process.
 - p. **Sexual Harassment** – is a form of misconduct involving an act or a series of unwelcome sexual advances, requests for sexual favors, or other verbal or physical behavior of a sexual nature, made impliedly, directly or indirectly.
 - q. **Survivors' Support Group** – is an organized group to whom a survivor of violence voluntarily agrees to establish a professional helping process.
 - r. **Violence Against Women** – 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 act, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.

**TITLE II
DEVELOPMENTAL CONCERNS**

**CHAPTER 3
Anti-Domestic Violence**

SECTION 6. - DOMESTIC VIOLENCE. – Domestic Violence shall refer to any act or series or combination of acts which result in or likely to result in physical, sexual or psychological harm or economic forms of suffering, other forms of abuse such as threats of coercion, assault, harassment or arbitrary deprivation of liberty, which violate one's personhood, integrity and freedom of movement, committed against any member/s of the family or household.

- A. Physical violence shall consist of any or combination of the following, but not limited to:
 - i. Slapping, pulling of hair, boxing, kicking, shoving, throwing, banging of the head on the floor, wall or any hard object or surface;
 - ii. Hitting with an object or the use of deadly weapons;
 - iii. Forcing the use or intake of alcohol, drugs or other dangerous substance.
- B. The emotional or psychological forms of abuse shall include, but not limited to:
 - i. Threats and intimidation, including threatening to cause the woman physical harm and/or placing the woman in fear of imminent physical harm;
 - ii. Stalking which includes willfully, maliciously and repeatedly following or harassing another person and making threats, whether actual or implied, with the intent to place that person in reasonable fear for the safety of his/her person or family, or entering or remaining in the dwelling or on the property of the victim against his/her will;
 - iii. Damage to property, animals or pets of the victim;
 - iv. Public ridicule or humiliation including but not limited to repeated verbal or emotional abuse, name-calling and derogatory remark;
 - v. Inflicting or threatening to inflict physical harm on oneself for the purpose of controlling the victim's actions or decisions;



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- vi. Engaging in any form of psychological abuse.
- C. The economic or financial forms of abuse shall include, but not limited to:
- i. Threatening to deprive or actually depriving the victim of personal property or money due him/her;
 - ii. Depriving or threatening to deprive the victim or his/her family or household member of financial support legally due him/her or to his/her or to the family or household member, or deliberately providing him/her family or household member insufficient financial support;
 - iii. Selling common or conjugal property without the consent of the other party;
 - iv. Willful neglect or denial to provide support comprising everything indispensable for sustenance, dwelling, clothing, medical attendance, education and transportation in keeping with the financial capacity of the family;
 - v. Unreasonably preventing the victim from engaging in any profession, occupation, and business or actually or solely controlling the conjugal or co-owned money or properties or controlling the victim's own money or property.
- D. For the purpose of this Ordinance, family or household member, shall include:
- i. Person related to each other such as spouses, live-in partners, ascendants, descendants, whether legitimate or illegitimate, adopted parents and the adopted child, and other similar relations, whether living together or not, or between persons with a common child who have been intimately related of had close familial relationship or close emotional attachment;
 - ii. Relatives by consanguinity or affinity up to the fourth civil degree including parents-in-law, children-in-law, stepparents and stepchildren;
 - iii. Household helps and other employees living with the family.

SECTION 7. - WHO MAY BE LIABLE – Any person who shall commit any act of domestic violence as herein defined shall be liable for the same.

SECTION 8. - WHO MAY FILE – Any person who witnessed or with personal knowledge of any act comprising domestic violence may file a complaint of domestic violence independent of the consent of the victim.

SECTION 9. - WHERE TO FILE – Domestic violence cases shall be filed in the Family Courts in the City in accordance with the provisions of R.A. 8369, provided, however, that in cases involving household helps or other persons who are not related by consanguinity or affinity within the fourth civil degree, the proper venue shall be with the Municipal Trial Court in Cities of Cagayan de Oro City, provided that if one of the party is a minor, the same be filed with Family Courts.

SECTION 10. - HOW TO FILE – The filing of a domestic violence complaint shall be in accordance with the procedures provided in the Revised Rules of Court in instituting criminal actions. It shall state the application for the issuance of a protection order and claim for damages, unless separate application for protection order or claim for damages is filed. The filing of a complaint for domestic violence under this Ordinance shall be without prejudice to the filing of other criminal or civil actions whenever applicable.

SECTION 11. - INTERVENTIONS UPON COMMISSION OF DOMESTIC VIOLENCE – In every case of domestic violence as herein defined, any person who, in good faith, intervenes without using violence or restraint necessary to ensure the safety of the victim, shall not be liable for any criminal or civil liability therefrom.

SECTION 12. - MANDATORY ACTS – Any person who commits any act of domestic violence shall be arrested immediately pursuant to the Rules on Warrantless Arrest of the Rules of Court. However, if a person who is not a law enforcement officer makes the arrest, the offender shall be turned over immediately to the proper authorities for investigation and detention. If the detention center is not easily accessible, the barangay officials may temporarily take the offender into custody.



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Any offender arrested without a warrant of arrest shall be detained for a period specified under Article 125 of the Revised Penal Code. While in detention, the offender shall not be allowed to contact the victim. If the offender is granted bail, the prohibition to contact the victim shall remain in force until the victim expressly waives the protection before the person who has custody of the offender. Such waiver, however, should be in writing and signed by the victim.

The complaint shall be made to undergo compulsory preliminary counseling with the Department of Social Welfare and Development's psychologist or any accredited psychologist or psychiatrist, as the case may be. The respondent shall likewise be made to undergo counseling if the preliminary counseling done to the complainant strongly suggests that counseling is necessary. If need be, the members of the family involved shall also be subjected to counseling.

SECTION 13. - PROTECTION ORDERS – A protection order is an order issued this Ordinance for the purpose of preventing further acts of abuse against persons specified in Section 6. The relief granted under protection order should serve the purpose of safeguarding the person abused from further harm, minimizing any disruption in the abused person's daily life and facilitating the opportunity and ability of the person abused to independently regain control over his/her life. The provisions of protection order shall be enforced by law enforcement agencies. The protection orders that may be issued under this Ordinance are the Barangay Protection Order (BPO), the Temporary Protection Order (TPO), and the Permanent Protection Order (PPO). These protection orders shall include some or any of the following reliefs:

- a. Prohibit the respondent personally or through another, from committing any act of domestic violence as defined in Section 6 of this Ordinance.
- b. Whenever applicable, order the respondent to immediately leave the domicile/residence of the petitioner regardless of ownership of the house, either temporarily or permanently for the purpose of protecting the petitioner, provided this relief is not applicable to persons in Section 6, D (ii & iii).
- c. Prohibit the respondent from directly or indirectly communicating with or contacting petitioner.
- d. Whenever applicable, grant custody of the minor children to the petitioner's parents, or such person or government agency which shall redound to the interest of the child.
- e. Grant other relief/s as deemed necessary by the Court for the protection of the petitioner and for such other persons who may in need of such protection.

SECTION 14. - FILING. - The following may File Petition for Protection Orders:

- a. The offended party.
- b. Any member of the family or household of the offended party as defined in the Ordinance.
- c. Social Worker of the Department of Social Welfare and Development (DSWD) or any accredited social welfare organizations, Commission of Human Rights (CHR), and SEC-accredited non-government organizations (NGO's which advocacy is on domestic violence.
- d. Law enforcement officer who has personal knowledge of the abuse.
- e. Lawyer, counselor, therapist or healthcare provider of petitioner, any concerned responsible citizen of the community who has personal knowledge of the offense committed.

SECTION 15. - WHERE TO APPLY FOR PROTECTION ORDER – Application for Barangay Protection Order (BPO) shall follow the Rules of Venue under Section 409 of the Local Government Code of 1991 and its Implementing Rules and Regulations. Application for a Temporary or Permanent Protection Orders shall be with the Family Courts in the City or the Municipal Trial Court in Cities, as the case may be.

SECTION 16. - APPLICATION FOR PROTECTION ORDER – The application for protection order shall be in writing, signed and verified by the petitioner. An application order may be filed as an independent action or an incidental relief in any civil or criminal case where the abuse in Section 6 is the subject matter or is one of the issues pending before the court.



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The applicant must state the circumstances of the abuse, the reasons of the application, the degree of relationship of victim and perpetrator, and the specific relief sought under Section 13 of this Ordinance. If the applicant is not the victim, the application must be accompanied by an affidavit of the applicant attesting to (a) the circumstances if the disclosure of the abuse suffered by the victim; and (b) the circumstances of consent given by the victim for the filing of the application.

An application for a protection order filed with a court shall be considered as an application both a TPO and PPO.

SECTION 17. - THE BARANGAY PROTECTION ORDER – The Punong Barangay may issue the Barangay Protection Order only after receiving application for it either as an independent petition or accessory process of a formal complaint of violation of this Ordinance filed with the Barangay. Provided, that the Barangay Protection Order under this Ordinance shall not be considered an injunction or prohibition but as an immediate intervention to ensure the safety of the victim.

A Punong Barangay who receives applications for a Barangay Protection Order shall issue the protection order on the date of the filing after an *ex parte* determination of the basis of the application.

The Barangay Protection Order shall cover only the relief mentioned in Section 13, paragraph (a), (b) and (c), and shall be effective for fifteen (15) days only or whenever a TPO or PPO is already commenced with the court or the request for protection is withdrawn by the complainant or the one who filed it in writing.

Immediately after the issuance of an *ex parte* Barangay Protection Order, the Punong Barangay or his representative shall personally serve a copy of the same on the respondent.

SECTION 18. - PENALTIES – Any person who shall commit act constituting domestic violence in any form shall, upon conviction, be punished by a penalty of imprisonment not exceeding one (1) year or a fine not exceeding Five Thousand Pesos (₱5,000.00), or both, upon the discretion of the Court for violation of this Ordinance.

SECTION 19. - PRESCRIPTION – Violation of this Chapter shall prescribed in five (5) years in consonance with the provisions of Article 90 of the Revised Penal Code.

CHAPTER 4
Violence Against Women

SECTION 20. VIOLENCE IN COMMUNITY AND INSTITUTIONS. It refers to any act or series or combination of acts that are:

- a. Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational and medical institutions and elsewhere, trafficking in women and forced prostitution.
- b. Physical, sexual and psychological violence perpetrated against women and condoned by the State, wherever it occurs.

SECTION 21. VIOLENCE IN ARMED CONFLICT. It shall be a violation of the human rights of women in situation of armed conflict, in particular, murder, physical and psychological torture, systematic rape, sexual slavery and forced pregnancy.

SECTION 22. VIOLENCE IN REPRODUCTIVE RIGHT. Is the forced sterilization and forced abortion, coercive/forced use of contraceptives, prenatal sex selection and female infanticide.

SECTION 23. WOMEN TRAFFICKING. It is a covert or overt recruitment of women into sex trade industry. It includes new forms of sexual exploitation such as sex tourism, the recruitment in the guise of domestic labor to work in developed countries, and organized marriages between women from third world



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countries and foreign nationals, promoting or initiating a system which women become movable properties and objects of exchange.

Women Trafficking shall include the following but not limited to:

- a. for any person, association, cult, religion or organization or similar entities to commit the following acts:
 - a.1 establish or carry on a business for the purpose of matching women for marriage to foreigner either on a mail-order basis or through personal introduction or cyberspace;
 - a.2 advertise, publish, print or distribute, or cause the advertisement; publication, printing or distribution of any brochure, flyer or propaganda material calculated to promote the above-mentioned prohibited acts for profit or advantage;
 - a.3 solicit, enlist or attract/induce any woman to join any club, association or organization whose objective is to match women for marriage to foreigners, either on mail-order basis or through personal introduction or cyberspace or any other forms which facilitate the act of solicitation;
 - a.4 use the postal services, cyberspace or satellite TV to promote the above-mentioned prohibited acts.
- b. to buy or sell a woman, or any of her body parts for profit; or to use her body by any pretext; to be used for experiments, research or the like without her consent.
- c. to act as a procurer of a sex worker.
- d. to threaten or use violence and force a woman to become a mail-order bride.

SECTION 24. FEMINIZATION OF POVERTY. It is a condition when gap between the rich and the poor widen and grassroots women bear the brunt as in economic instability and unequal distribution of wealth. Such gap reinforces non-response to both practical and strategic interests of women (e.g. when women are forced to incur financial obligation to augment the meager and insufficient income of the family).

SECTION 25. MAIL-ORDER BRIDE. It is a practice where a woman establishes personal relations with a male-foreign national via mail or similar means upon recruitment by an individual or agency for the purposes of exploiting women in the guise of marriage.

SECTION 26. OTHER FORM OF SEXUAL HARASSMENT. Other than the definition provided by RA 7877 the following constitute sexual harassment, some of which are covered by the Revised Penal Code under acts of lasciviousness:

- a. persistent telling of offensive jokes such as green jokes or other analogous statements to someone who finds them offensive or humiliating;
- b. taunting a person with constant talk about sex and sexual intercourse;
- c. displaying offensive or lewd pictures and publications in the work places;
- d. interrogating someone about sexual activities or private life, during interviews for employment, scholarship grant or any lawful activity applied for;
- e. making offensive hand or body gestures at someone;
- f. repeatedly asking for dates despite verbal rejection;
- g. staring or leering maliciously;
- h. touching, pinching or brushing up against;
- i. kissing or embracing someone against her will;
- j. requesting sexual favors in exchange for a good grade, obtaining a good job or promotion, etc.;
- k. cursing, whistling or calling a woman in public with words having dirty connotations or implications which tend to ridicule, humiliate or embarrass the woman such as "puta", "buring", "peste", etc.;
- l. any other unnecessary acts during physical examinations;
- m. requiring women to wear suggestive or provocative attire during interview such as job hiring, promotion, admission.

SECTION 27. SEXUAL ABUSE. Sexual abuse shall include but is not limited to the following:



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- a. when a man inserts or attempts to insert his penis or any object into the mouth or anus of a woman under any of the following situations:
 - a.1 through force, threat or intimidation
 - a.2 by means of abuse of authority or relationships
 - a.3 when the offended party is below seventeen years old, even though none of the above circumstances is present.
- b. when a person inserts part of his or her body other than the sexual organ, or who introduces any object or instrument into the genital or anus of a woman under any of the situations stated in paragraph (a).
- c. when a person subjects another to have sexual intercourse with an animal under any of the circumstances stated in paragraph (a) or through any abnormal, unusual or ignominious sexual act.
- d. any intentional contact however slight of one's penis to the genital, mouth, breast or anus of a woman or intentional contact thereof, however slight, to any part of her body other than her sexual organ; or the use of any instrument or object which intentionally touches the genital, breast or anus of a woman.
- e. sexual abuse in intimate marital relations. Forced sexual act committed under intimate or marital relations shall form part of sexual abuse such as those between man and woman, woman and woman, man and man relations, married or unmarried, legally separated or separated in fact.

SECTION 28. BATTERING. It is a series of physical, emotional and psychological abuse. It is a repeated and habitual cyclic pattern as means of intimidation and imposition of the batterer's will and control over the survivor's life. Battering constitutes the following kinds of behavior but not limited to:

- a. **Physical Battering** – repeated infliction of brute force causing injuries to the victim.
- b. **Sexual Battering** – this include physical attacks on the women's breasts/genitals or forced sexual activity, accompanied by either physical violence or the threat of physical violence.
- c. **Psychological Battering** - this includes threats of suicide, violence against women or her family, punching, breaking or defacing or otherwise destroying the house or any part thereof; or of the personal belongings of a woman, threatening deportation of wives with foreign citizenship, threatening to kidnap children or take them to a foreign country and forcing the victim to do degrading things; controlling the victim's lawful or usual activities, the use of foul and insulting words or statements and threats of abandonment and expulsion such as forcing the wife to leave the conjugal dwelling. This provision likewise applies to common-law relations but does not include adulterous ones as contemplated in the Revised Penal Code.
- d. **Economic Battering** – this includes deprivation of women of economic resources, their generation and mobilization so as to create dependency and submissiveness to men and to any established structures of domination.

SECTION 29. PEDOPHILIA. It is a form of sexual perversion where children are the preferred victims and is committed under the following circumstances:

- a. when the offender shall have sexual intercourse with a girl.
- b. when the offender shall have anal intercourse with a boy or girl.
- c. other pedophilic acts other than sexual or anal intercourse which will include custodial abuse.

SECTION 30. PRINTING, PUBLICATION, DISPLAY AND DISTRIBUTION OF PORNOGRAPHIC SCENES AND SIMILAR LITERATURE. It shall be unlawful for any person to print, publish, display or distribute scenes on movie/TV, trailers/shows, posters, billboards, literature and other visual materials which treat women as sex objects and commodities.

SECTION 31. PORNOGRAPHIC AND INDECENT SHOWS. Indecent shows as used in this Code include nude or other provocative gestures which further project and exhibit women as sex objects.



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It shall be a violation of women's rights for any person or agency who engages in shows depicting women as sex objects in private or in public place or under scandalous circumstances.

SECTION 32. LIVE SHOWS. It shall be a violation of women's rights to influence or force a woman or girl-child to dance or do naked shows in public or private places for commercial or entertainment purposes.

SECTION 33. BEAUTY CONTEST. One which would indecently expose a woman's body that is offensive to morals and good taste is viewed as violence against women. Thus holding of beauty contests must be strictly regulated. For this purpose, a Beauty Pageant Regulatory Board is hereby created under the Women and Family Relations Committee of the City Council which shall be composed of the Chairperson of the WFRC, representative from the Cagayan Women Development Council, Private/Business Sector, City Tourism Office, Media and two (2) other persons representing similar interest as chosen and designated by the City Council through the Women & Family Relations Committee.

SECTION 34. OTHER FORMS OF VIOLENCE AGAINST WOMEN:

- a. Sex Trade. - Any agency or person who shall engage in keeping women for sex for a fee.
- b. Sex Tours. - Hotels, beach resorts, sauna baths and related establishment which operate as conduit for sex tours.

SECTION 35. COMPREHENSIVE SUPPORT TO WOMEN-SURVIVORS OF VIOLENCE. - In addition to the legal protection provided under this Ordinance and other national laws, the Local Government of Cagayan de Oro City shall provide a comprehensive support to women survivors of violence, including her minor children, which consists of but not limited to the following:

- a. immediately conduct investigation within 24 hours
- b. provide for counseling and medical services for the survivors/offended party.
- c. gather evidence for the arrest and prosecution of the offenders.
- d. make a report of the investigation and, on the basis of the offended party's testimony and additional evidence, if any, endorse the same to the proper prosecution office within 36 hours from time of filing, regardless of evaluation of the case.
- e. the investigation officer or the examining physician, if possible of the same sex as the offended party, ensures that only persons expressly authorized by the latter are allowed inside the room where the investigation or medical or physical examination is being conducted.
- f. women victims/survivors of all forms of violence shall be registered in a psychological program that shall assist the women in holistically re-building and empowering themselves. It is highly recommended that community-based women's organizations which has the capacity to undertake the rebuilding process shall be tapped.
- g. all investigations/hearing involving rape cases and other forms of violence against women conducted in the police stations, prosecutor's office and the trial courts shall recognize the survivor's social support group as expressly allowed or requested by the offended party.
- h. a temporary shelter with appropriate support services for women in crisis shall be appropriately constructed and funded by the City Social Welfare and Development Office.

SECTION 36. PSYCHOSOCIAL PROGRAM.- It is an intervention using a system approach to conditions of women as it views differentiated needs in social context.

SECTION 37. SURVIVOR'S SUPPORT GROUP.- The women survivor's shall be entitled to seek the assistance of a Support Group to her liking. The City Social Welfare and Development Office shall assist the support group in the duration of the services it renders to survivors.



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SECTION 38. SOCIO-ECONOMIC SUPPORT SERVICES.- The Local Government of Cagayan de Oro City thru the City Social Welfare and Development Office shall extend socio-economic support services to women survivors of violence, including those in the entertainment industry in its desire to concretely respond to their practical needs.

SECTION 39. CREATION OF WOMEN AND CHILDREN'S POLICE DESK (WCPD) COMPLAINT RELATION SECTION AND APPOINTMENT OF WCPD OFFICER. - The Local Government of Cagayan de Oro City shall create the Women and Children's Police Desk (WCPD) Complaint Relation Section and appoint WCPD Officer in all police stations in Cagayan de Oro to specifically handle concerns on women. In instances where women's desk is already established, the Local Government Unit responsible for such shall make a proper directive so that women's complaint and corresponding action shall become an integral part of their job.

SECTION 40. ROLE OF FEMALE POLICE OFFICER. Complaints filed by women related to violence and other forms of abuse against them shall be handled by female officers in the local police force who shall undergo special courses on handling cases affecting abused women.

SECTION 41. CREATION OF FAMILY ARBITRATION COMMITTEE WITHIN THE LUPONG TAGAPAMAYAPA. - There shall be a Family Arbitration Committee created within the *Lupong Tagapamayapa* of each barangay to resolve cases on domestic violence.

SECTION 42. CREATION OF MEDICO-LEGAL DESK FOR WOMEN AT THE CITY SOCIAL WELFARE AND DEVELOPMENT OFFICE. - There shall be a Medico-Legal Desks for Women at the City Social Welfare and Development Office to cater to specific women problems and concerns.

SECTION 43. LOCAL MONITORING BOARD FOR VIOLENCE IN MEDIA. - A Local Monitoring Board for movie, print, broadcast, and multi-media shall be set up to classify, s\censure, prohibit or regulate the exhibition of materials degrading women. The Board's function shall also extend to video shops, electronic communications, cable television, books and other forms of audio-visual channels or instruments.

SECTION 44. CREATION OF MULTI-DISCIPLINARY AND MULTI-SECTORAL COORDINATING COUNCIL ON FAMILY VIOLENCE. A multi-sectoral and multi-disciplinary coordinating council on family violence shall be created by the Local Government of Cagayan de Oro City. For purpose of this section the Cagayan de Oro Bantay Banay Inter-Agency Committee (BBIAC) as created by virtue of Executive Order # 93-2001, shall be the mandated council to design protocol and mechanism for identification, assessment and interventions of family violence. This function shall be over and above what was specified in the ordinance.

SECTION 45. INTER-AGENCY COUNCIL AGAINST TRAFFICKING. An Inter-Agency Council Against Trafficking which shall be established in Cagayan de Oro City with the following powers and functions:

- a. formulate a comprehensive program to suppress the trafficking of women and children;
- b. conduct massive information campaign against trafficking of women and children;
- c. undertake guidance and counseling to women going abroad as fiancées of foreign nationals;
- d. make representation to schools and universities for their inclusion of migration and its implication for women in all levels of curricula;
- e. refer traffic victims to appropriate agencies;
- f. formulate a program of returning victims in cooperation with local offices of DOLE, TESDA, OWWA and other government agencies involved in training and livelihood development;
- g. secure assistance from any local government units, departments or bureaus of the national government;
- h. exercise all powers and functions necessary to attain its purposes and objectives.



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CHAPTER 5
HEALTH RIGHT

SECTION 46. BUDGET FOR WOMEN'S HEALTH. - A reasonable portion of the health related budget of the Local Government of Cagayan de Oro shall be allocated for women's health and services and other relevant comprehensive health care program for women and children.

SECTION 47. UPGRADING OF HEALTH CARE DELIVERY SYSTEM. - Quality health care and services that are not discriminatory on account of their gender, age, sex, creed, religion or ethnicity shall be implemented in Cagayan de Oro City based on the felt needs of the communities.

SECTION 48. REPRODUCTIVE HEALTH CARE DELIVERY. - Reproductive health as defined in the International Conference on Population and Development and World Health Organization and affirmed in Beijing Conference, is a state of complete physical, mental and social well-being and not merely of disease and infirmity in all matters relating to the reproductive system and to its functions and processes, i.e. people are able to have a satisfying and safe sex life and have the capability to reproduce and the freedom to decide when and how to do so.

Cagayan de Oro City shall adopt the reproductive health care approach at all levels of health care delivery. Such approach integrates many issues not previously considered central to population: sexuality, reproductive tract infection, gender power relations and domestic violence and shall not be limited to family planning and child bearing.

SECTION 49. WOMEN'S CONTROL OVER THEIR BODIES. - Women's decision to prevent and control pregnancy excepting abortion shall be given appropriate support and guidance by health professionals, private and public, at very minimal cost.

SECTION 50. GENDER-SENSITIVE CRISIS INTERVENTION UNIT. - The Local Government of Cagayan de Oro City shall cause the establishment of a Gender-sensitive Crisis Intervention Unit at all levels of health care, primary, secondary and tertiary and shall provide service training to all health and other allied personnel who shall be assigned in this unit.

All local hospitals, public or private, shall be mandated to have their own gender-sensitive crisis intervention unit to be managed by a gender-sensitive and trained personnel.

SECTION 51. GENDER-FAIR APPROACH TO PRE-MARITAL COUNSELING PROGRAM. - The Local Government of Cagayan de Oro shall create a working committee under the Cagayan de Oro Women Development Council who shall review and redesign a Pre-Marital Counseling Program. It shall be undertaken jointly with the City Health Office and other concerned agencies. Agencies that will be involved shall adhere to the principles of gender-fair pre-marital counseling services.

SECTION 52. STRENGTHEN PRIMARY HEALTH CARE DELIVERY. - The Local Government of Cagayan de Oro City shall strengthen the primary health care delivery in the context of reproductive health to be undertaken by the City Health Office. Special attention shall be given to rural and far flung barangays, health personnel should be assigned to these areas at least once a week.

SECTION 53. INDIGENT WOMEN ACCESS TO NATIONAL HEALTH INSURANCE PROGRAM. - The Local Government of Cagayan de Oro City shall tap the programs and services of the National Health Insurance Program, especially for the indigent women and families and to provide corresponding budget for such.

CHAPTER 6
EDUCATION RIGHT

SECTION 54. SPECIAL CLASSES FOR WOMEN. Special classes for women shall be held during weekends in all barangay high schools to facilitate working women's access to education.



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SECTION 55. PROMOTION OF GENDER SENSITIVE CURRICULA. The schools in Cagayan de Oro City shall actively promote gender sensitive professional school counseling and career education programs to encourage females to pursue academic and technical courses in order to widen their future career opportunities.

SECTION 56. ADULT EDUCATION. All women desiring to engage in men dominated functional and practical education shall be enlisted in adult education programs which shall be set up in all barangays in Cagayan de Oro City.

SECTION 57. SCHOLARSHIP FUND FOR GIRL-CHILD. The City of Cagayan de Oro shall allocate fund for scholarship for deserving students in higher education. The local government shall mandate a quota system for all its existing scholarship program where at least 50% of the slots be allocated to girls/women.

SECTION 58. MONITORING AND REPORTING OF STEREOTYPED PORTRAYAL OF ROLES OF WOMEN AND MEN IN EDUCATION MATERIALS. The local government of Cagayan de Oro City shall set up a monitoring system that will monitor and report stereotyped portrayal of roles of women and men as projected in educational materials. The LGU-GAD Focal Point System (LGU-GFPS) shall coordinate closely with the Department of Education Division Offices, private and public colleges and universities, CHED and TESDA to implement the system.

CHAPTER 7 RELIGIOUS RIGHT

SECTION 59. FREE EXERCISE OF RELIGIOUS AFFILIATION. Everyone is free to exercise its choose its religious affiliation. Each spouse shall have the right to choose her/his religious affiliation. Likewise, children at the age of maturity shall enjoy the same.

CHAPTER 8 RURAL WOMEN'S RIGHT

SECTION 60. LAND FOR WOMEN-HEADED HOUSEHOLDS AND LANDLESS FAMILIES. Qualified women-headed landless families shall be given fair access to equitable distribution of disposable public idle lands.

SECTION 61. PROMOTION OF LAND-BASED PROJECTS. - Women should have full access and control over the maximum utilization of land and other indigenous resources. The local government of Cagayan de Oro City shall promote and support land-based projects ensuring food security utilizing science, women-friendly appropriate technology instilling collectivism.

SECTION 62. ACCESS TO CREDIT/FINANCING ON AGRICULTURAL DEVELOPMENT PROGRAM. The women shall be given equal opportunity in accessing credit/financing on Agricultural Development Program or other support services to develop the full potential of her agricultural based resources.

SECTION 63. ACCESS TO SCIENCE AND WOMEN-FRIENDLY ALTERNATIVE TECHNOLOGY EDUCATION. Women shall have access to science and women-friendly alternative technology education which shall be provided by the City Agriculture Office, Department of Science and Technology and other related line agencies.

CHAPTER 9 POLITICAL & PUBLIC SPHERE OF WOMEN

SECTION 64. DECLARATION OF MARCH 8 AS INTERNATIONAL WOMEN'S DAY. - March 8 shall be declared as a special public holiday through an Executive Order. There shall be a city-wide set of activities on women highlighting the laws, issues affecting women and other forms of critical consciousness raising activities.



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SECTION 65. WOMEN'S SUMMIT AND DAY OF ACTION FOR WOMEN'S HEALTH. - Women's Summit shall be held on the 10th of November every year. The same day is declared as the City Day of Action for Women's Health wherein issues and concerns relative to the protection and promotion of women's health shall be examined, deliberated, projected and government action sought. These activities shall be initiated by LGU-GAD Focal Point System (LGU-GFPS) in close coordination with City Health Office.

SECTION 66. SELF-HELP ORGANIZATION OF WOMEN. - Self-help Organizations of Women shall be encouraged and recognized at the barangay district and city levels. Representatives of these self-help organizations shall be invited to become members of the Barangay Women Development Committee, Cagayan de Oro Women Development Council corresponding to the slots given to people's organization (PO)/private sector.

SECTION 67. WOMEN REPRESENTATION TO THE LOCAL SPECIAL BODIES. - The local government of Cagayan de Oro City shall encourage and allocate quota for women representation to local special bodies as provided for in RA 7160, otherwise known as the Local Government Code of 1991. This should include the following but not limited to, the Presidential Agrarian Reform Council (PARC) and its local counterparts; the National Fisheries & Aquatic Resources Management Council (NFARMC) and its local counterparts; the National Commission on Indigenous Peoples; the Presidential Commission for the Urban Poor; the National Anti-Poverty Commission; and where applicable, the local housing board.

The representatives to these local special bodies shall be chosen and elected from among the accredited women's organizations of Cagayan de Oro City.

SECTION 68. ELECTION OF WOMEN SECTORAL REPRESENTATIVE TO THE CITY COUNCIL. - Women sector shall be one of the three major sectors that will be represented in the City Council as provided for by RA 7160, otherwise known as the Local Government Code of 1991. This section is also based on the principle on legitimacy and equal representation since women comprises 50% of the population.

The Women and Family Relations Committee thru the GFPS shall initiate the election process in the selection of the representative to the council. All authorized representatives of accredited women's organization shall be eligible in the selection process.

In addition thereto, the City Council shall enact an ordinance one year after the approval of this Code, which shall determine the period of election and its corresponding Implementing Rules and Regulations in accordance with RA 7160 and DILG Circular on accreditation.

SECTION 69. PEACE BASED ON JUSTICE. - The network of women NGOs/Pos shall be formally consulted on peace and development issues on the basis of social equity and justice. A mechanism on the consultation shall be prepared by a Committee on Peace of the Cagayan de Oro Women Development Council. The mechanism shall ensure regular consultation and institutionalization of the process in the sphere of local development.

SECTION 70. WOMEN IN LAW ENFORCEMENT POSITIONS. - All qualified women shall be given access and opportunity to assume key law enforcement positions in the City.

SECTION 71. CAPABILITY BUILDING FOR GRASSROOTS WOMEN. - To prepare and equip the women with the necessary skills and knowledge, a capability building program shall be developed and adopted by the City Government. Women leaders from the barangay/grassroots organizations shall be given priority under this program including the youth women leaders, women with disability and elderly.

CHAPTER 10
CULTURAL IDENTITY OF WOMEN

SECTION 72. INDIGENOUS WOMEN AND MEN OF CAGAYAN DE ORO. - The preservation of the cultural identity of the indigenous women and men shall be actively incorporated in all programs and projects of the Local Government of Cagayan de Oro City.



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SECTION 73. CULTURALLY-APPROPRIATE SCHOOLS. - The Local Government of Cagayan de Oro shall identify and made accessible culturally appropriate schools for Indigenous People. When necessary and affordable a school shall be put up in the community where Indigenous Peoples are prevalent.

SECTION 74. DECLARATION OF INDIGENOUS PEOPLE'S AREAS. - A survey on Indigenous People's areas in Cagayan de Oro City shall be undertaken within two years upon effectivity of this code which shall become the basis for the declaration of the Indigenous People's areas.

SECTION 75. PROVINCIAL DEVELOPMENT PROGRAM FOR INDIGENOUS WOMEN AND MEN. - The local government of Cagayan de Oro shall develop a program that shall facilitate the development and eventually empower the indigenous women and men. Active support for the preservation of the indigenous people's knowledge of the environment shall be incorporated in the program.

CHAPTER 11
LABOR AND EMPLOYMENT

SECTION 76. ORIENTATION ON SEXUAL HARASSMENT. - All local offices, agencies and establishments/companies in Cagayan de Oro, private or public, shall conduct orientation on sexual harassment and shall adopt a policy on sexual harassment. Certificate of Compliance shall be submitted to the LGU-GAD Focal Point System (LGU-GFPS).

SECTION 77. SETTING-UP OF GRIEVANCE COMMITTEE. - A grievance committee shall be set up in local offices, agencies, establishments or companies to act on complaints related to sexual harassment. For public office, the machinery can be the Committee on Decorum (CODE) as mandated by the Civil Service Commission.

SECTION 78. GENDER-SENSITIVE PHYSICAL PLANT. A physical plant appropriate for a gender-sensitive environment shall be adopted by all offices, agencies and establishments or companies which shall help prevent sexual abuse and other forms of maltreatment in the office/workplace.

SECTION 79. DAY CARE SUPPORT SYSTEM IN THE WORKPLACE. The local government of Cagayan de Oro shall require all establishments, private or public, to put up day care support system for all its women employees.

Tax incentives for Business establishments shall be provided for those that will implement the mandate as stated in paragraph 1 of this section. The incentive shall be:

- a. any amount used for the establishments, maintenance and operation of the child day care support system shall be tax deductible.
- b. Annual tax credit per child regularly served for at least one year in the center
- c. Annual tax credit per woman extended with maternity leave benefits for breastfeeding.

SECTION 80. MONITORING SYSTEM FOR LABOR STANDARDS. A mechanism shall be installed by the LGU-GAD Focal Point System (LGU-GFPS) through the GAD Program Office to monitor all officer, agencies and establishments for the compliance/violation of Labor Code provisions and provision of this ordinance.

CHAPTER 12
SOCIO-ECONOMIC BENEFITS FOR WOMEN

SECTION 81. INCREASE CAPITAL ASSISTANCE FOR WOMEN. All Local Government departments and agencies engaged in socio-economic programs shall increase their capital assistance and/or subsidy to women especially on land-based projects adopting the community bank/cooperative and self-help approach that is workable and relevant in their area.



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SECTION 82. SOCIALIZED LENDING SCHEME. All banks, financial/lending institutions and cooperatives shall open windows for lending to women who lack access to traditional sources of collateral. No woman shall be deprived of credit. Money lending institution shall establish a “socialized lending scheme that is friendly to women” which shall constitute the following:

- a) Bank rate interest
- b) No post-dated check
- c) Certificate of Income Generating activity from the Barangay Women Development Council

SECTION 83. ACCESS TO SAFE WATER. - All barangays in Cagayan de Oro City shall adopt measure to provide easy access to safe water supply. Appropriate systems shall be installed to have easy access and lessen the workload of women and children.

CHAPTER 13 SPECIAL SECTORAL CONCERNS

SECTION 84. SPECIAL EDUCATION FOR WOMEN WITH DISABILITIES. - There shall be a Special Education Program for women with disabilities in Cagayan de Oro City as provided for in RA 7277.

SECTION 85. ADVOCACY ON WOMEN WITH DISABILITIES' RIGHTS. Active Advocacy on the rights of women with disabilities shall be conducted by the LGU-GAD Focal Point System (LGU-GFPS) through the GAD Program Office in close coordination with the sector.

SECTION 86. CREATIVE EMPLOYMENT OPPORTUNITIES FOR WOMEN WITH DISABILITIES. - The Local Government of Cagayan de Oro shall develop creative employment opportunities for women with disabilities recognizing their differentiated conditions and full potentials as human beings.

No woman with disability shall be discriminated in her quest for employment.

The government shall enjoin all cause-oriented groups to rally their support to this sector.

SECTION 87. REPORTING OF CASES OF HARASSMENT COMMITTED AGAINST WOMEN WITH DISABILITIES. - The Local Government of Cagayan de Oro City through its GAD Program Office shall require all barangays to monitor and report cases of harassment against differently-abled women and children.

SECTION 88. ORGANIZATION OF WOMEN WITH DISABILITIES. Each barangay shall create a committee of women with disabilities within the Barangay Women Development Committee in order to advance the interests of this special group of women.

SECTION 89. ORGANIZATION OF THE ELDERLY WOMEN. - Each barangay shall create a committee of the elderly women within the BWDC and LGU-GAD Focal Point System (LGU-GFPS) in order to advance the interests of this special group of women.

SECTION 90. SUPPORT FUNDS FOR THE ELDERLY PERSONS. - Funds shall be allocated to support elderly persons to include the emergency assistance, routine physical check-up, social group work program and appropriate socio-economic activities.

SECTION 91. DAY CARE CENTER FOR SENIOR CITIZENS. - There shall be a center for elderly in barangay centers to render comprehensive support services.

SECTION 92. SUPPORT TO WOMEN IN DETENTION. - Rights of all women detainees shall be protected:

- a) speedy trial of their cases shall be ensured by all concerned;
- b) an appropriate program shall be designed to respond to their specific needs and problems as detainees;
- c) separate cell or structure or building and space for detention and rehabilitation shall be provided.



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d) separate comfort room.

SECTION 93. SUPPORT TO WOMEN AFFECTED BY DISASTERS, CALAMITIES & OTHER CRISIS SITUATIONS. - Women have right to protection and security in times of disasters, calamities and other crisis situations especially in all phases of relief, recovery, rehabilitation and construction effect. The City Government of Cagayan de Oro shall provide for immediate humanitarian assistance, allocation of resources and early resettlement, if necessary. Services may also include psychosocial support, livelihood assistance, education, psychological health and comprehensive health services including protection during pregnancy.

SECTION 94. WOMEN IN SPORTS. - All sports related organizations shall create guidelines that will establish and integrate affirmative action as a strategy and gender equality as a framework in planning and implementing their policies, budgets, programs, and activities relating to the participation of women & girls in sports. Schools, colleges, universities or any other learning institutions shall take into account its total women student population in granting athletic scholarships. These shall be a pro-rata representation of women in the athlete scholarship program based on the percentage of women in the whole student population.

SECTION 95. WOMEN IN THE MILITARY. - Women in the military shall be accorded the same promotional privileges and opportunities as men including pay increases, additional remunerations and benefits, and awards based on their competency and quality of performance.

Further, women in the military, police & other similar services shall be entitled to leave benefits such as maternity leave as provided for by existing laws.

SECTION 96. WOMEN IN SHELTER. - The Local Government of Cagayan de Oro City shall ensure that women from the marginalized sector will be able to participate on the following areas but not limited to:

- a) drafting of women and child friendly housing policies and programs;
- b) areas on land use, zoning, community planning and development;
- c) capacity building and skills training in shelter and urban development; and
- d) review of existing policies, guidelines to ensure gender sensitivity and gender responsiveness during relocation, resettlement, demolition and eviction.

The local government of Cagayan de Oro City shall also monitor and evaluate gender design feature in housing and development and all other kinds of infrastructure plans and strategies. It will also conduct massive information dissemination campaign on women's property and housing rights.

SECTION 97. RESPECT FOR SEX PREFERENCE. - Person's right to sex preference and sexual orientation shall be respected and protected.

CHAPTER 14 **WOMEN AND CHILD SUPPORT SYSTEM**

SECTION 98. GENDER AND DEVELOPMENT. All schools, offices, establishments or companies, departments and agencies of the Local Government of Cagayan de Oro shall be provided with gender sensitivity orientation and training which shall equip them with the theoretical and practical knowledge on gender issues and concerns. Likewise, all establishments, schools, colleges and universities and other institutions shall develop assessment tools for gender biases.

SECTION 99. ACTIVE SUPPORT TO GENDER STUDIES. A sufficient amount shall be allotted to the gender-related documentation and researches which shall form part of Cagayan de Oro data-based program development.

SECTION 100. POPULARIZATION OF GENDER-FAIR MATERIALS. There shall be an active promotion and publication of gender-fair materials in popular forms in Cagayan de Oro City.



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SECTION 101. GENDER-SENSITIVE NATURAL RESOURCE-BASED MANAGEMENT PROGRAMS. - The Local Government of Cagayan de Oro shall engage itself in the development of gender-sensitive natural resources-based management programs.

SECTION 102. ROLE OF WOMEN IN ENVIRONMENT IMPACT ASSESSMENT OF PROJECTS. The Local Government of Cagayan de Oro shall promote the active role of women in environmental impact assessment of projects. Instruments for environmental impact assessment shall consciously determine sex dis-aggregated data.

SECTION 103. PROMOTION OF APPROPRIATE TECHNOLOGY. - The Local Government of Cagayan de Oro shall actively promote an alternative technology that is appropriate, safe and friendly to women.

SECTION 104. CREATION OF RESOURCE MANAGEMENT COUNCIL. - The Local Government of Cagayan de Oro shall create a council on Resource Management wherein women are invited to represent to ensure promotion, protection of ecological balance and full participation of women. It shall be composed of the line agencies concerned: CPDO, CENRO, CGSO, City Tourism Office, CAO, Environmental Office, Chair of Environment of the City Council Committee, Women Sectoral Representative from NGOs whose line of expertise run along this line.

SECTION 105. ALLOCATION OF SUFFICIENT BUDGET FOR BASIC SOCIAL SERVICES. The Local Government of Cagayan de Oro shall allocate sufficient fund for the basic social services for women and children in extremely difficult circumstances. This shall be taken from the budget of the city through the CSWD.

SECTION 106. INVESTMENT AND LOANS. The Local Government of Cagayan de Oro shall hold consultative assemblies with women GOs and NGOs in establishing contracts for loans and investments to clarify implications on women's welfare and development at the barangay/city levels.

SECTION 107. OVERSEAS FILIPINO WORKERS' (OFW) WIVES AND CHILDREN SUPPORT. - The Local Government of Cagayan de Oro shall conduct a city-wide survey on the status of OCW's wives and children. The result of which shall be used as basis for program support to OCW's women and children.

SECTION 108. SPECIAL COURSES ON OFW. - A special course on OFWs to orient them on the issues and concerns relative to migration shall be systematically introduced to women specially at the barangay levels. GAD Program Office shall work closely with the DOLE Bureau of Women Workers.

SECTION 109. EDUCATION AND NATIONAL POLICIES. Women and men shall undertake education on national policies and their implications on women.

Public hearing should be institutionalized at the barangay level before a national policy could be enacted and implemented.

SECTION 110. SPECIAL TRAINING FOR LUPONG TAGAPAMAYAPA. A special paralegal training for Lupong Tagapamayapa shall be conducted along gender questions and related matters.

SECTION 111. GENDER SENSITIZATION AS A PRE-REQUISITE TO EMPLOYMENT AND PROMOTION. There shall be a gender-sensitive assessment to be conducted by the GAD Program Office in close coordination with NGOs and related government agencies/departments to all concerned as a pre-requisite to hiring and promotion of officers, especially those who occupy positions that highly require gender sensitivity and responsiveness.

SECTION 112. GENDER AND POPULATION. The City Health Office shall review and redesign the population program that it becomes not contraceptive-based but reproductive health conscious.

SECTION 113. SUPPORT TO SOLO PARENT. In support to the Solo Parent Act, a solo-parent regardless of status shall have equal access to support services. Special attention should be given to abandoned women with children.



SECTION 114. WOMEN AND CHILDREN'S DESKS. The City Government of Cagayan de Oro shall provide support to Women and Children's Desk (WCD) to specifically handle concerns of women and children. Such support shall give preferential attention to training of concerned personnel and the provision of necessary facilities.

SECTION 115. EARLY CHILDHOOD CARE AND DEVELOPMENT. All government and private institutions and other establishments shall provide support to employees by providing Early Childhood Care and Development Program, specifically:

- a. Day Care Center – a comprehensive health, nutrition and early education support to children 3-5 years old. As provided for in Executive Order #340 Directing National Government Agencies and government owned and controlled Corporations to provide Day Care Services for under 5 years old children of their employees.

CHAPTER 15 CHILD-MINDING CENTER

SECTION 116. ESTABLISHMENT OF CENTER.- There shall be established at City Hall and in every commercial center, industry, school and other working places in the City a Child Care Center or Child Minding Center to be operated and maintained by the City Government or the respective management thereof, as the case maybe.

SECTION 117. FEATURES OF CHILD CARE CENTER.- The Child Care Center shall have the following features:

- (a) Preferably situated at the center of the workplace or any available space that is accessible to employees.
- (b) Well-ventilated, open space without barriers nor accident-prone fixtures.
- (c) Of rounded structure with one meter cemented base wall but the rest are screened walls visible to the public and floors of wooden tiles.
- (d) Should have a circular and child-friendly bathroom and toilet facilities, away from dining/kitchen area, but accessible to the child, with tiled floor, a pit measuring the size of the child's small feet and small button flush. All the faucet and related fixtures are within the reach of the small fingers of the child.

SECTION 118. SERVICES OFFERED BY CHILD CARE CENTER.- The Child Care Center shall provide nine-hour non-stop service for infants and toddlers of employees, consisting of custodial and health care, food service and early child education. Surrogate mothering shall be integral to its program.

It would cover children 2 months to 2 years old. Sound indigenous Filipino practices will be inculcated in rearing up the children. Earth-friendly/appropriate babyhoods, as well as stories, games and play and ethnic art and music will be part of the program.

Nutritious and natural foods will be given to children 4-6 months to 2 years old every two-hour interval in small amounts appropriate to the needs of the children's immature digestive system to develop good eating habits to keep them from being dependent on processed/junk foods.

Counseling on breast feeding for working women will also be part of its premium service. Proper techniques of breast milk preservation and re-lactation will be managed.

Mother-support group will be formed to prepare them to run the child-minding program. Training inputs to mothers will include issues of women, reproductive health, alternative initiatives on healthcare, foods that heal and nourishes, early child education, counseling techniques, leadership skills, organizational management and networking. Sessions will be given at lunchtime for 6 months. It will be open to the public too.



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SECTION 119. FEES.- To ensure sustainability, parent-beneficiary will shoulder the child-enrollee's fee on socialized scheme to cover for the nine hours custodial and health services, educational inputs and continues feeding program. The fee will also cover the honorarium of certified caregivers at the ratio of one caregiver to three babies (one infant and two toddlers).

SECTION 120. CHILD MINDING TASK FORCE CREATION & COMPOSITION.- There shall be created a Child Minding Task Force to be composed of the following:

- Chairperson - Chair, City Council Committee on Women & Family Relations;
- Vice-Chairperson - Chair, Women Development Committee of Cagayan de Oro City;
- Members - City Social Welfare & Development Officer;
- Representative of an NGO (preferably on women);
- City Health Officer;
- Regional Director, Commission on Higher Education – 10; and
- Regional Director, DepEd - 10

who shall be appointed by the City Mayor for a term of one year.

SECTION 121.- FUNCTIONS OF TASK FORCE.- The Child Minding Task Force shall have the following functions and duties:

- (a) Facilitate coordination and mobilization of program partners;
- (b) Screen caregivers and trainers for the hands-on training;
- (c) Supervise the establishment, management and operation of Child Care Centers;
- (d) Conduct an inventory of establishments and schools in the City which should establish Child Care Center and submits the list thereof to Business and Licensing Division of the City Mayor's Office;
- (e) Issues clearance of compliance to establishments prior to the issuance of business permit by the City Mayor pursuant to the requirement hereof;
- (f) Formulate or recommend to the City Mayor and/or the City Council programs and policies for the effective operation of Child Minding Centers; and
- (g) Prepare the implementing rules and guidelines of this Ordinance within six months after the members thereof shall have been qualified and assumed office.

SECTION 122. CLEARANCE REQUIREMENT.- No business permit shall be issued to an establishment having a workforce of not less than 10 mothers with children between the age of 2 months and 2 years old unless it has established a Child Care Center within its work place.

For this purpose, the Business and Licensing Division of the City Mayor's Office shall require concerned establishments to secure such clearance from the Child Minding Task Force before issuing their business permits.

**CHAPTER 16
 PENAL PROVISIONS**

SECTION 123. PENAL PROVISION. Violations of any provision of this code shall be punished by imprisonment of not more than one (1) year, or a fine not exceeding Five Thousand Pesos (₱5,000.00), or both at the discretion of the court.

**TITLE III
 PROVISIONS FOR IMPLEMENTATION**

**CHAPTER 17
 GAD Office**

SECTION 124. CREATION OF THE CITY GAD PROGRAM OFFICE. The City GAD Program Office is hereby created specifically to realize the provisions of this Code. It shall be the coordinating regulatory and monitoring office of the City Government, which shall focus on gender mainstreaming and gender sensitive projects and activities.



The City GAD Program Office shall be headed by a City Government Development Head, who shall be assisted by the (3) Section Chiefs, one for Administrative section, one for the Gender and Development Monitoring and Coordinating Section and one for the Training and Special Services Section. The City Mayor shall recommended to this body the appropriate nomenclature or position title of the herein City Government Department Head based on the existing guidelines by the Department of Budget and Management.

SECTION 125. APPOINTMENT AND QUALIFICATION. The City Government Department Head shall be appointed by the Mayor with the concurrence of the Sangguniang Panlungsod, provided thereat she meets the following qualifications. (The GFPS shall recommend other criteria to be used.)

- a. Must be a holder of any relevant college degree.
- b. Must be a bonafide resident of the City.
- c. Must have at least 5-year experience in Gender and Development Work.
- d. Must have appropriate Civil Service Eligibility
- e. Other qualifications necessary therefor (as recommended by the GFPS)

SECTION 126. FUNCTIONS OF THE CITY GAD PROGRAM OFFICE. The office shall have the following functions to ensure consistency in the implementation of the provisions of the code:

- a. **Monitoring and Coordinative Functions.** These functions shall see through the realistic, measurable and tangible results of the implementation of this code. These include but not limited to:
 - a.1. **Gender-Sensitive Watch.** A system of services and facilities in order to monitor status of women in Cagayan de Oro City shall develop conceptual and practical methodologies for incorporating gender perspectives into all aspects of economy and policy-making. It shall collect gender and age disaggregated data on poverty situation and all aspects of economic activity and develop qualitative and quantitative statistical performance from a gender perspective, It shall also serve as data bank of Cagayan de Oro on gender and development.
 - a.2. **Legal Aid Services Check.** A coordinated services for any legal actions needed by the women in protecting their rights shall be installed.
 - a.3. **Advocacy and Campaign Management.** A coordinative advocacy and campaign on all forms of discrimination and violence against women shall be programmed.
 - a.4. **Sustainable and Gender – Sensitive Project Development.** A system of appraisals of projects to determine sustainable impact on women and men, local economy, politics, culture and ecosystem.
 - a.5. **Violence in Media Check.** An active dialogue with tri-media representatives shall be under taken by the Sangguniang Panlungsod Committee on Women and Family Relations, women GOs and NGOs on incidence of all forms of violence in media.
- b. **Regulatory Function.** This function shall include establishing protocols and standards relevant to the following concerns.
 - b.1. **Education and Training Benchmark.** Gender – sensitivity education and training for all departments and agencies of all Local Government of Cagayan de Oro shall be designed, Standards for contents of the course shall be established by this Office.
 - b.2. **Psychosocial Support Program.** A holistic and indigenous approach to women with social dys-functioning which includes attendance to their physical biological, emotional, psychological and social needs shall be set up, Indicators of program success shall be established by the Office.
 - b.3. **Early Childhood Care and Development Program and Services.** Appropriate support services for women and children shall include crèche and day care services for infants and toddlers as prescribed in RA 6972.



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It shall be involved in all processes related the conceptualization, development, assessment and evaluation of programs and projects of the Local Government of Cagayan de Oro.

SECTION 127. ROLE OF THE COALITION FOR WOMEN OF CAGAYAN DE ORO. The City Coalition for Women shall become the consultative–assembly of the City Gender and Development Office for its periodic planning and programming, programs implementation, monitoring, assessment and evaluation.

SECTION 128. RULES AND REGULATIONS. - Through an Executive Order, an Executive Committee composed of the City Prosecutor’s Office, City Legal Office, City social Welfare and Development Office and Committee on Women and Family Relation of the Sangguniang Panlungsod shall promulgate the rules and regulations necessary to carry out the provisions of this Ordinance.

A consultative body shall be convened periodically through-out the formulation of the Implementing Rules and Regulation which shall be composed of official representatives of the various agencies of the Local Government and Women, NGOs involved on the process of drafting of this code,

A Technical Working Group shall be formed for all effective and efficient realization of the Implementing Rules and Regulations.

Such rules and regulations shall take effect upon their publication in two (2) local newspapers of general circulation.

SECTION 129. COMPLIANCE REPORT. Within six (6) months from the effectivity of this Code and every six (6) months thereafter, all City Government Departments/Offices, including its agencies and instrumentalities, shall submit a report to Sangguniang Panlungsod on their Compliance with this code.

SECTION 130. APPROPRIATIONS. For the effective implementation of this Ordinance, the Local Government of Cagayan de Oro shall implement the amount appropriated from Official Development Assistance as stipulated in RA 7192. It shall also appropriate five percent (5%) from its Annual Development Fund for the purpose.

CHAPTER 18 FINAL PROVISIONS

SECTION 131. REPEALING CLAUSE. All ordinances, resolutions, circulars, memoranda, or rules and regulations inconsistent with the provisions of this Code are hereby repealed or modified accordingly.

SECTION 132. SEPARABILITY CLAUSE. If for any reason, any portion or provision of this Code is declared unconstitutional or invalid, the other sections or provisions hereof which are not affected thereby shall continue in full force and effect.

SECTION 133. SUPPLETORY CLAUSE. On matters not provided for in this Code, any existing applicable laws and their corresponding Implementing Rules and Regulations, executive fiats and relevant issuances issued therefor shall apply in supplemented manner.

SECTION 134. EFFECTIVITY CLAUSE. This Code shall take effect upon compliance of the mandatory posting and publication requirements prescribed under RA 7160, otherwise known as the Local Government of 1991.

UNANIMOUSLY APPROVED.

Author: Councilor Edna M. Dahino

Present:

<i>1st District:</i>	- Councilor Lordan G. Suan	- Councilor Jay R. Pascual
	- Councilor Edna M. Dahino	- Councilor Reuben R. Daba
	- Councilor George S. Goking	- Councilor Romeo V. Calizo
<i>2nd District:</i>	- Councilor Maria Lourdes S. Gaane	- Councilor Dometilo C. Acenas, Jr.
	- Councilor Ian Mark Q. Nacaya	- Councilor Teodulfo E. Lao, Jr.



Republic of the Philippines
 CITY OF CAGAYAN DE ORO
OFFICE OF THE CITY COUNCIL
 (088) 857-4026; 857-4029; 857-4032; 857-4035; 857-2258



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|-----------------------------|---|--------------------------------------|
| <i>Ex-Officio:</i> | - Councilor Leon D. M. Gan Jr. | |
| | - Councilor Yan Lam S. Lim, <i>Liga ng mga Barangay President</i> | |
| <u>On Leave:</u> | - Councilor Annie Y. Daba | - Councilor Suzette G. Magtajas-Daba |
| <u>On Official Business</u> | - Councilor Enrico D. Salcedo | |
| <u>Absent:</u> | - Coun. Zaldy O. Ocon (<i>Indisposed</i>) | - Councilor Nadya Emano-Elipe |

ENACTED this 24th day of April 2017 in the City of Cagayan de Oro.

I hereby certify to the correctness of the foregoing Ordinance.

ARTURO S. DE SAN MIGUEL
 CITY COUNCIL SECRETARY

Attested as duly enacted:

RAINEIR JOAQUIN V. UY
 CITY VICE MAYOR
 PRESIDING OFFICER

Approved:

OSCAR S. MORENO
 CITY MAYOR

Attested:

DIONNIE P. GERSANA
 ASSISTANT CITY ADMINISTRATOR
 ACTING CITY ADMINISTRATOR

