



Republic of the Philippines
PROVINCE OF CAGAYAN
City of Tuguegarao

SEVENTH CITY COUNCIL



EXCERPTS FROM THE MINUTES OF THE 109th REGULAR SESSION
OF THE SEVENTH CITY COUNCIL OF TUGUEGARAO CITY, CAGAYAN
HELD ON DECEMBER 03, 2018, 9:00 AM, MONDAY,
AT THE CONFERENCE ROOM OF THE CITY MAYOR'S OFFICE

PRESENT:

Hon. Raymund P. Guzman	Sangguniang Panlungsod Member, Temporary Presiding Officer
Hon. Danilo L. Baccay	Sangguniang Panlungsod Member
Hon. Jude T. Bayona	-do-
Hon. Kendrick S. Calubaquib	-do-
Hon. Arnel T. Arugay	-do-
Hon. Gilbert S. Labang	-do-
Hon. Winnoco R. Abraham	-do-
Hon. Imogen Claire M. Callangan	-do-
Hon. Mary Marjorie P. Martin-Chan	-do-
Hon. Grace B. Arago	-do-
Hon. Gil G. Pagulayan	Ex Officio Member (Liga ng mga Barangay President)
Hon. Karen L. Taguinod	Ex Officio Member (SK Federation President)

ABSENT:

Hon. Maila Rosario T. Que	Sangguniang Panlungsod Member (on Official Business)
Hon. Anthony C. Tuddao	Sangguniang Panlungsod Member

NOTE:

Hon. Bienvenido C. De Guzman II	Acting City Mayor
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CITY ORDINANCE NO. 47-2018

AN ORDINANCE EXPANDING SECTION 09, ARTICLE II OF CITY ORDINANCE NO. 30-2017 ALSO KNOWN AS THE GENDER AND DEVELOPMENT CODE OF TUGUEGARAO CITY PROHIBITING GENDER-BASED STREET AND PUBLIC SPACES HARASSMENTS, PROVIDING PROTECTIVE MEASURES, PRESCRIBING PENALTIES THEREFOR AND FOR OTHER PURPOSES

Authored and Sponsored by: **Hon. Mary Marjorie P. Martin-Chan**

Sponsors: **Hon. Maila Rosario T. Que
Hon. Bienvenido C. De Guzman II
Hon. Danilo L. Baccay
Hon. Jude T. Bayona
Hon. Kendrick S. Calubaquib
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Hon. Karen L. Taguinod**

WHEREAS, it is the policy of the State under Article II, Section 11 of the Constitution to value the dignity of every human person and guarantee full respect for human rights;

WHEREAS, it is also the policy of the State under Article II, Section 14 of the Constitution to recognize the role of women in nation-building and ensure the fundamental equality before the law of women and men;

WHEREAS, Section 458 (v) of R.A. 7160 empowers the Sangguniang Panlungsod to enact ordinances to prevent, suppress and impose appropriate penalties for activities inimical to the welfare and morals of the inhabitants of the city;

WHEREAS, cat-calling and other forms of street and public spaces harassments make the people of the communities feel unsafe or uncomfortable because they affect one's dignity which should be protected by the State;

WHEREAS, the United Nations Safe Cities and Safe Streets Programs noted that cat-calling and other forms of street and public spaces harassments limit the freedom of movement of affected women compromising their ability to effectively participate in the social and public spheres of life;

WHEREAS, cat-calling and other forms of street and public spaces harassments of women and the LGBTQ members are present and are rampant in the streets and public spaces of Tuguegarao City;

WHEREAS, any person regardless of sex, gender and status may be victims or perpetrators of street or public harassments;

WHEREAS, Section 09, Article II of City Ordinance No. 30-2017 also known as the Gender and Development Code of Tuguegarao City provides that the City Government shall organize various events and activities to educate residents about violence against women and children every November 25 – December 10 as the period is marked as the International Week of Action Against Gender-Based Violence and culminates on International Human Rights Day. The activities shall be spearheaded jointly by the CSWDO, the CHO Barangay Operations Center, City GAD Council, Tuguegarao City Council of Women and other NGOs/CSOs;

WHEREAS, the City of Tuguegarao, in its desire to maintain the streets and public spaces in the city safe for all those living herein, encourages all public establishments owners, schools, public utility vehicle operators and employers to install warning signs against public spaces harassments, assist victims of harassment and designate at least one (1) anti-sexual harassment officer to receive gender-based harassment complaints to report immediately to authorities;

WHEREAS, the City of Tuguegarao, is bent to address the concerns of the women and the LGBTQ members of the city against gender-based street and public spaces harassments such as cat-calling, prohibit such acts which are inimical to the welfare and morals of the inhabitants of the city;

WHEREAS, it is in the best interest and welfare of the people of Tuguegarao City to prohibit cat-calling and other forms of street and public spaces harassments;

WHEREAS, prior to the approval of this Ordinance, a public hearing was conducted on 19 November 2018 at People's Gymnasium which was attended by representatives from different sectors of the society;

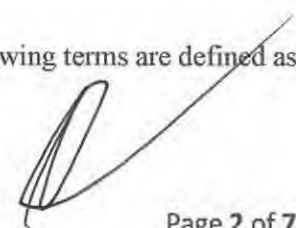
WHEREAS, upon formal codification, this Ordinance shall be included in the Gender and Development Code of Tuguegarao City as indicated.

NOW, THEREFORE,

Be it ordained by the Sangguniang Panlungsod of the City of Tuguegarao, Cagayan, in regular session assembled that:

Section 1. Title. This Ordinance shall be known as "**ANTI CAT-CALLING ORDINANCE OF TUGUEGARAO CITY.**"

Section 2. Definition of Terms. For purposes of this Ordinance, the following terms are defined as follows:



- A. Public spaces – include, but are not limited to, streets and alleys, public parks, schools, buildings, malls, bars, restaurants, transportation terminals, public markets and public utility vehicles;
- B. Cat-calling – making a whistle, shout or comment of a sexual nature to a woman/LGBTQ member passing by;
- C. Stalking – refers to conduct directed at a person that serves no legitimate purpose and alarms, annoy or intimidates that person;
- D. Cursing – to utter offensive words in anger or annoyance like to wish or invoke evil, calamity, injury, or destruction, swear profanely, blaspheme and/or afflict with great evil upon a person;
- E. Wolf whistling – a sound made by blowing air through the lips usually made by a man when he sees a woman he finds sexually attractive;
- F. Leering – to look at someone in a sexually interested way;
- G. Sexual orientation – a preference to have sexual relationships or a tendency to have feelings of physical attraction either with men, or with women, or with both;
- H. Sexist – suggesting that the member of one sex is less able, intelligent, etc. than the members of the other sex, or referring to that sex’s body, behavior, or feelings in a negative way;
- I. Homophobic and transphobic slurs – to pronounce the sounds of a word in a way that is wrong or not clear in fear or dislike of gay and transgender people;
- J. Body gestures – offensive movements of the hands, arms, head, etc. to express an idea or feeling at someone;
- K. Groping – to touch someone’s body in order to get sexual pleasure, usually when the person does not like it;
- L. Flashing – when a person shows his sexual organs in public;
- M. Masturbation – to touch or rub your sexual organs in order to give yourself sexual pleasure;
- N. LGBT – refers to a diverse and complex range of identities based on sexual orientation, gender identity and expression (SOGIE). The term shall also refer to gender and sexuality non-conforming persons, including, but not limited to, lesbian, gay, bisexual, transgender and queer (LGBTQ) persons;
 - i. Lesbian – a woman whose emotional, romantic and sexual energies are geared towards other women;
 - ii. Gay – a person who is emotionally and/or physically attracted to members of the same sex. Although all-encompassing, this term refers mainly to men;
 - iii. Bisexual – a person who is emotionally and/or physically attracted to members of both the same and the opposite sex;
 - iv. Transgender – is the state of one’s gender identity (self-indication as woman, man or neither) not matching one’s “assigned sex” (identification by others as male or female based on physical/genetic sex). Transgender does not imply any specific form of sexual orientation; transgender people may identify as heterosexual, homosexual, bisexual, pansexual, polysexual or asexual. The precise definition remains flux, but includes:
 - a. of relating to, or designating a person whose identity does not conform unambiguously to conventional notions of male or female gender roles, but combines or moves between these
 - b. people who were assigned a sex, usually at birth and based on their genitals, but who feel that this is false or incomplete description of themselves;
 - c. non-identification with, or non-presentation as the sex (and assumed gender) one was assigned at birth
 - v. Queer – denoting or relating to a sexual or gender identity that does not correspond to established ideas of sexuality and gender, especially heterosexual norms.

Section 3. Specific Acts and Penalties. The following acts may be committed by and against a person of any gender, and are hereby declared as prohibited gender-based street and public spaces harassment and their penalties:

- A. Light violations – cat-calling, cursing, wolf whistling, leering, persistent requests for name, contact number and social media details or destination after clear refusal; the use of words, gestures or actions tending to ridicule on the basis of actual or perceived sex, gender, expression, or sexual orientation and identity including sexist, homophobic and transphobic slurs; or the persistent telling of sexual jokes, use of sexual names, comments and demands;
 1. First Offense: Reprimand and eight (8) hours inclusive of a Gender Sensitivity Seminar to be conducted by the Philippine National Police (PNP) in coordination with the local government unit and the Tuguegarao City Council of Women.
 2. Second Offense: Fine of One Thousand Pesos (P1,000.00) and a Gender Sensitivity Seminar to be conducted by the Philippine National Police (PNP) in coordination with the local government unit and the Tuguegarao City Council of Women.
 3. Third Offense and More: Imprisonment of six (6) to ten (10) days and/or a fine of Two Thousand Pesos (P2,000.00) with a Gender Sensitivity Seminar to be conducted by the Philippine National Police (PNP) in coordination with the local government unit and the Tuguegarao City Council for Women.

- B. Medium violations – making offensive body gestures at someone, exposing private parts for the sexual gratification of the perpetrator with the effect of demeaning, harassing, threatening or intimidating the offended party. These include, but are not limited to, flashing, masturbation, groping, and similar actions.
 1. First Offense: Fine of Two Thousand Pesos (P2,000.00) with a gender Sensitivity Seminar to be conducted by the Philippine National Police (PNP) in coordination with the local government unit and the Tuguegarao City Council of Women.
 2. Second Offense: Imprisonment of eleven (11) to thirty (30) days and/or a fine of Three Thousand Pesos (P3,000.00) with a Gender Sensitivity Seminar to be conducted by the Philippine National Police (PNP) in coordination with the local government unit and the Tuguegarao City Council of Women.
 3. Third Offense or More: Imprisonment of one (1) to six (6) months and/or a fine of Four Thousand Pesos (P4,000.00) with a Gender Sensitivity Seminar to be conducted by the Philippine National Police (PNP) in coordination with the local government unit and the Tuguegarao City Council of Women.

- C. Severe violations – stalking; any acts mentioned in paragraphs a and b when accompanied by touching, pinching or brushing against the body of the offended person; or any touching, pinching, or brushing against the genitalia, anus, groin, breasts, inner thighs, face or buttocks even when not accompanied by acts mentioned in paragraphs a and b.
 1. First Offense: Fine of Three Thousand Pesos (P3,000.00) with community service of eight (8) hours inclusive of a Gender Sensitivity Seminar to be conducted by the Philippine National Police (PNP) in coordination with the local government unit and the Tuguegarao City Council of Women.
 2. Second Offense: Imprisonment of one (1) to six (6) months, and/or a fine of Four Thousand Pesos (P4,000.00) with a Gender Sensitivity Seminar to be conducted by the Philippine National Police (PNP) in coordination with the local government unit and the Tuguegarao City Council of Women.
 3. Third Offense or More: Imprisonment of one (1) to six (6) months and a fine of Five Thousand Pesos (P5,000.00) with a Gender Sensitivity Seminar to be conducted by the Philippine National Police (PNP) in coordination with the local government unit and the Tuguegarao City Council for Women.

Where appropriate, the court, even before rendering a final decision, may issue an order directing the accused to stay away from the residence, school, place of employment or any specified place frequented by the offended person.

The penalties provided in this section are without prejudice to any administrative sanctions that may be imposed if the perpetrator is a government employee.




When the perpetrator is a stranger to the victim, absence of consent is presumed.

Nothing in this ordinance shall be understood to criminalize or penalize acts committed as legitimate expressions of indigenous culture and tradition with no intent to harass.

Section 4. "No means no" Principle. When the victim utters the phrase "no means no" or its translation in the local dialect, the presumption of absence of consent is rendered conclusive.

Section 5. "No Fault" Principle. No perpetrator may excuse himself/herself from the penalties provided for violation of this Ordinance by reason of the way the victim dressed or looked like. No fault shall be given to a person's way of expressing herself or himself, unless such expression infringes upon the rights of another.

Section 6. Implementation and Authority to Apprehend Gender-based Street Harassment Perpetrators for Light and Medium Offenses. The Philippine National Police (PNP) shall have the authority to receive complaints on the street and immediately apprehend the offender if the same was caught *in flagrante delicto*. For light and medium offenses where the penalty is imposition of fine and attendance to gender sensitivity training, the PNP in coordination with the City Government of Tuguegarao may immediately impose the said penalties. The PNP in coordination with the Women and Children's Desk on PNP stations will keep a ledger of offenders of this ordinance for purposes of determining if the offender is a first, second or third offender.

Cases against perpetrators with offenses bearing a penalty involving imprisonment shall be lodged with the appropriate court.

The implementation of this Ordinance specifically on the conduct of the Gender Sensitivity Training shall be in coordination with the City Social Welfare Office of Tuguegarao City.

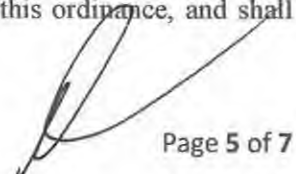

Section 7. Qualified Gender-based Street and Public Spaces Harassments. The penalty next higher in degree will be applied in the following cases:

- A. If the violation is committed in a common carrier or public utility vehicle/transport including, but not limited to, jeepneys, tricycles, *kalesas*, vans or buses, where the perpetrator is the driver of the vehicle/transport and the offended party is a passenger.
- B. If the offended party is a minor.
- C. If the perpetrator is a member of the uniformed services such as the PNP and the Armed Forces of the Philippines (AFP) and other law enforcement agencies, and the act was perpetrated while the perpetrator was in uniform.
- D. If the violation takes place in the premises of a government agency offering front-line services to the public and the perpetrator is a government employee.

Section 8. Gender-based Harassment in Restaurants, Bars, 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 harassment. These establishments have the obligation to provide assistance to victims of harassment by coordinating with the local police authorities immediately after harassment is reported, making CCTV footage available and providing a safe, gender-sensitive environment to encourage victims to report harassment at the first instance.

The Tuguegarao City Business Permits and Licensing Office (BPLO) shall develop a mandatory seminar against public spaces harassments, attendance in which shall be made a prerequisite for any business permit renewal. All restaurants, bars, cinemas and other places of recreation shall install in their business establishments clearly visible warning signs against public spaces harassments including the anti-harassment hotline in bold letters and shall designate at least one (1) anti-sexual harassment officer to receive gender-based complaints. Security guards in these places may be deputized to apprehend perpetrators caught *in flagrante delicto* and are required to immediately report with local authorities.

Section 9. Gender-based Harassment involving Schools. Each school, whether grade school, junior high school, senior high school, tertiary, graduate school or vocational/technical institutions, shall designate an officer in charge for receiving complaints regarding violations of this ordinance, and shall


Page 5 of 7 

ensure that complainants are provided with a gender-sensitive environment that is both respectful of complainants' needs and conducive to truth-telling.

Every school must adopt public grievance procedures for students to file complaints under this ordinance. Even if an individual does not want to file a complaint or does not request that the school take any action on the student's behalf, if a school knows or reasonably should know about sexual harassment or sexual violence that creates a hostile environment, it must take immediate action to eliminate the sexual harassment or sexual violence, prevent its recurrence and address its effects.

In this regard, the duly authorized representative of the school shall be authorized to report and file the appropriate action for any violation of the instant ordinance against a student officially enrolled in the school.

Section 10. Gender-based Harassment in Public Utility Vehicles. In addition to the penalties in this ordinance, the Land Transportation Office (LTO) may also cancel the license of perpetrators, and the Land Transportation Franchising and Regulatory Board (LTFRB) as well as the Tuguegarao City Tricycle Regulatory Board (TRUB) may suspend or revoke the franchise of transportation operators found to have violated this Ordinance.

Gender-based harassment in public utility vehicles (PUVs) where the perpetrator is the driver of the vehicle shall also constitute a breach of contract of carriage, for the purpose of creating a presumption of negligence on the part of the owner/operator of the vehicle in the selection and supervision of employees and rendering the former solidarily liable for the offenses of the latter.

Section 11. Liability of Employers of the Offenders. Employers of the perpetrator-employee in all government and commercial and private offices, agencies, companies located in the city, whether in construction, business establishments, schools, or PUV operations, are solidarily liable with the perpetrator-employee for acts committed by the latter in violation of this ordinance, during official office hours and/or performance of duty. And in addition to the penalties provided in Section 3 of this Ordinance, employer's franchise and/or business permits may be suspended and/or revoked.

Section 12. PNP Women and Children's Desks. The Women and Children's Desks in all police stations shall act on and attend to all complaints covered under this ordinance, and shall coordinate with anti-sexual harassment officers in government and private offices or schools in the enforcement of the provisions of this ordinance.

Section 13. Child in Conflict with the Law. A child who is alleged, accused, or adjudged as, having committed any act/s and/or violations prohibited under this ordinance shall be dealt in accordance with Republic Act No. 9344 also known as the "Juvenile Justice and Welfare Act of 2006."

Section 14. Safety Audits. The Office of the City Mayor is required to conduct safety audits every three (3) years to determine effective implementation of the ordinance. Such audits shall be multi-sectoral and participatory, with consultations undertaken with schools, police officers and civil society organizations.

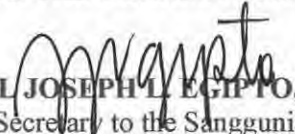
Section 15. Separability Clause. If any part of this Ordinance is declared not valid, unconstitutional or unlawful, such declaration shall not affect or impair the remaining provisions, sections or parts thereof, which shall remain or continue to be in full force and effect.

Section 16. Repealing Clause. Any ordinance or executive order, rule or regulation contrary to or inconsistent with the provisions of this ordinance is hereby repealed, modified or amended accordingly.

Section 17. Effectivity. This Ordinance shall take effect thirty (30) after its publication in a local newspaper of general circulation and posting for three (3) consecutive weeks in all conspicuous places in the City Hall or in the local bulletin board.

X-X-X

I HEREBY CERTIFY TO THE CORRECTNESS OF THE FOREGOING:


JOEL JOSEPH L. EGIPIO, Ph.D.
Secretary to the Sanggunian



ATTESTED:

HON. RAYMUND P. GUZMAN
Sangguniang Panlungsod Member
Temporary Presiding Officer
Date: DEC 05 2018

APPROVED:

HON. ATTY. JEFFERSON P. SORIANO
City Mayor
Date: 12/5/18

X-X-X

CERTIFICATION

I, Raymund P. Guzman, duly elected as the Temporary Presiding Officer during the 109th Regular Session held on December 03, 2018, do hereby certify that I acted as such when the foregoing City Ordinance No. 47-2018 has been approved under suspended rules.

In witness whereof, I hereunto set my hand and affix my signature this 5th day of December 2018.

HON. RAYMUND P. GUZMAN
Sangguniang Panlungsod Member
Temporary Presiding Officer

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Republic of the Philippines
Province of Cagayan
City of Tuguegarao

Office of the Secretary to the Sanggunian

December 19, 2018

Dr. Rosalinda P. Callang
Secretary to the Sanggunian
Sangguniang Panlalawigan, Province of Cagayan
Capitol Hills, Tuguegarao City



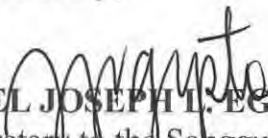
Madam:

Pursuant to Section 54 of the Local Government Code, we are now submitting for review and action the attached legislative measures enacted by the Sangguniang Panlungsod on December 11, 2018, to wit:

- **CITY ORDINANCE NO. 48 – 2018** – City Ordinance rezoning from residential zone to commercial zone of lot no. 3717-A-1-B-1, T-110675 and lot no. 3717-A-1-A, T-101051 covering an area of 337 square meters located at Centro 11, Tuguegarao City (Mr. Abner C. Panaga)
- **CITY ORDINANCE NO. 49-2018** – City Ordinance rezoning from residential zone to industrial zone of lot no. 6200, CAD 151, T-032-2014004618 covering an area of 3,401 square meters located at Annafunan East, Tuguegarao City (Ms. Emily C. Guzman)

Thank you.

Yours truly,


JOEL JOSEPH L. EGIPTO
Secretary to the Sanggunian