

Republic of the Philippines
Province of Tarlac
MUNICIPALITY OF MONCADA
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Victor Sandino S. Molina
SB Secretary

**EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE
SANGGUNIANG BAYAN OF MONCADA, TARLAC HELD ON THE 5th DAY OF JUNE
2017 AT THE LEGISLATIVE BUILDING SB SESSION HALL.**

PRESENT :

HON. JAIME O. DUQUE

.. PRESIDING OFFICER

HON. RODOLFO A. ESPEJO

.. PRO – TEMPORE

HON. ALBERTO C. MARZAN, JR.

.. MEMBER

HON. EDWARD V. TOLENTINO

.. MEMBER

HON. JANIUS M. YASAY

.. MEMBER

HON. THELMAFLOR A. ESPEJO

.. MEMBER

HON. RUBEN V. GAMBOA, JR

.. MEMBER

HON. GEORGE MICHAEL P. AGUILAR

.. MEMBER

HON. CLEOFE D. FAVIS

.. MEMBER

HON. GEORGE R. CUCHAPIN

.. EX-OFFICIO MEMBER

ABSENT:

NONE

**MUNICIPAL ORDINANCE NO. 04
SERIES OF 2017**

**AN ORDINANCE PROVIDING FOR THE REVISED GENDER AND DEVELOPMENT
CODE OF THE MUNICIPALITY OF MONCADA**

**On motion presented by COUN. ALBERTO C. MARZAN, JR. and duly seconded by
COUN. JANIUS M. YASAY;**

**BE IT ENACTED by the SANGGUNIANG BAYAN OF MONCADA in session
assembled, that:**

CHAPTER I: GENERAL PROVISIONS

ARTICLE I.

**TITLE, DECLARATION OF PRINCIPLES AND POLICIES AND DEFINITION OF
TERMS**

Section 1. Title. This ordinance shall be known and cited as "Gender and Development (GAD) Code of the Municipality of Moncada" hereinafter referred to as the GAD Code.

Section 2. Declaration of Principles and Policies.

The Local Government Unit of Moncada adheres to international and national declarations regarding the rights of all individuals. With the Philippine Constitution that

guarantees equal rights for men and women, the Local Government Unit of Moncada is obligated to ensure and promote this equality in all spheres and endeavors in life. Men and women are to be treated as equal partners in all efforts for the upliftment and development of a decent, progressive, and happy life. So are they to be partners in the protection of the environment which is basic to the achievement of this kind of life.

Likewise, the LGU affirms its stand that women as equal and worthy partners of men in the challenging and continuing task of nation building are endowed with a dignity and worth to be promoted and respected. They have the right to equally share in all benefits that accrue from their labor and the general development efforts of their municipality and country. They have also the right to participate and decide on what is good for themselves, their families, communities, and country. They stand equal in front of the law and are in the forefront of the endeavors of the municipality in enhancing their potentials, uplifting their status and improving the quality of their lives.

Toward the realization of all these the Municipality shall consistently pursue and implement gender responsive development programs and projects towards the empowerment of women, promotion of their economic status and supporting their efforts at self-empowerment and self-determination adopting measures for the protection and promotion of their rights.

The Municipality of Moncada in order to achieve these goals shall:

1. Mainstream gender-sensitivity and gender-equality in all spheres through education, local legislation, and services that are responsive to the needs and circumstances of men and women in Municipality of Moncada;
2. Plan or adopt programs, projects, and activities that shall strengthen the promotion and protection of women's rights;
3. Empower Moncada women and narrow gender gaps through the different offices and departments of the municipality by ensuring women's active participation and involvement in the planning and development of all programs and projects that affect them;
4. Exert effort in increasing economic opportunities for women through worthwhile trainings and livelihood projects and extend strong support to those already employed and to those working in agricultural endeavors;
5. Ensure effective and accountable governance the fruits of which can be shared and felt by all the constituents in even the remotest corners of the Municipality;
6. Strengthen the family by promoting values and practices that shall ensure peace, justice and equality and prosperity for all.
7. Ensure that all departments and offices within the Municipality of Moncada shall review and revise all their regulations, circulars, issuances and procedures to remove gender bias therein, and shall complete the same within two years after the enactment of this Ordinance;
8. Consult women's groups in the Municipality in all matters affecting them including those dealing with official development assistance or foreign aid so as to determine maximum opportunities and benefits for women and to remove gender biases and negative implications on women.



Section 3. The UN Definition and Declaration of Women's Rights. Women rights are the rights of women that are defined and declared by the United Nations under the Convention on the Elimination of Discrimination Against Women (CEDAW), and are 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, their freedom, their sexuality, and their individuality.
- b. Women have the right to freely, and fully participate individually or collectively in the political processes of their communities and nations.
- c. Women have the right to the means for assuring their economic welfare and security.
- d. Women have the right to the necessary knowledge and means for the full exercise of their reproductive choice in accordance to 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 caring and rearing of 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 condition.
- i. Women have the right to nurture their personhood, collectively and individually, to secure an image of themselves as whole and valuable human beings, to build relationships based on respect, trust and mutuality.
- j. Women have the right to equality before the law in principle as well as in practice.

Section 4. Definition of Terms.

- a. **Municipal Gender and Development Council** – a body that shall be created to plan, monitor and evaluate the implementation of national and local laws for women, study and recommend solutions for issues and concerns of women, and together with concerned agencies and offices spearhead programs, projects, and activities for/of women in the Municipality;
- 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.
- c. **Differently-abled Persons** – are persons survivors of physical impairments and have different needs and potentials;
- 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. **Empowerment** –refers to a process by which women are mobilized to understand, identify and overcome gender discrimination;
- 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 and men in all aspects/sectors of development. Such a perspective involves the process of searching for new innovative initiatives which transform unequal gender relations into opportunities which are equally/equitably beneficial to both men and women.
- h. **Gender Equality** – refers to the principle of asserting the equality of men and women and their right to enjoy equal conditions realizing their full human potential to contribute to and benefit from the results of development, and with the State recognizing that all human beings are free and equal in dignity and rights.
- i. **GAD Focal Point System** – is a mechanism that serves as a technical working group that catalyzes, coordinates, directs and facilitates the preparation, implementation and monitoring of the LGU's GAD plan;
- j. **Gender Mainstreaming** – is the strategy of integrating gender and development concerns and issues at all levels of government undertaking.
- k. **Gender Sensitivity Training** – is providing people with formal learning experience in order to increase their awareness. The overall purpose of the training is to provide the knowledge and skills necessary to recognize and address gender issues in the programming process. At the center of the learning process is the conscientization involving the ability to recognize the underlying issues of gender inequality which form a pervasive obstacle to program progress.
- l. **Hours of Work** – include (1) all time during which an individual is required to be at a prescribed workplace, and (2) all time during which an individual is permitted to work. Rest period duration during working hours shall be counted as hours worked;
- m. **Indecent Shows** –are shows which include nude or other provocative gestures which further project and exhibit men and women as sex objects;
- n. **Mail-Order Bride** – is a practice where a woman establishes personal relationships with a male foreign national via e-mail or similar means upon recruitment by an agency operating for the purpose;
- o. **Parental Leave** – under RA 8972, parental leave shall mean leave benefits granted to a solo parent to enable him/her to perform parental duties and responsibilities where physical presence is required;
- p. **Pornography** - is a written, graphic or other form of communications intended to excite lascivious feelings (The Grolier International Dictionary, Volume 2).
- q. **Psychosocial Programs** – is an intervention using a system approach to conditions of women as it views women's differentiated needs in a social context.
- r. **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 its functions and processes. It constitutes such elements namely:

1. Maternal and Child Health and Nutrition
2. Family Planning
3. Prevention and Treatment of Reproductive Tract Infection (RT) including STD, HIV and AIDS
4. Prevention and Management of Abortion Complication
5. Education and Counseling on Sexuality and Sexual Health
6. Prevention and Treatment of Infertility and Sexual Disorders
7. Men's Reproductive Health
8. Violence Against Women
9. Adolescent Reproductive Health

s. **Senior Citizen or Elderly** – refers to any Filipino citizen who is a resident of the Philippines, and who is sixty (60) years old or above. It may apply to senior citizens with “dual citizenship” status provided they prove their Filipino citizenship and have at least six (6) months residency in the Philippines.

t. **Sexual Exploitation** – refers to participation by a person in prostitution or the production of pornographic materials as a result of being subjected to a threat, deception, coercion, abduction, and force, abuse of authority, debt bondage, and fraud or through abuse of a victim’s vulnerability (RA 9208).

u. **Survivor's Support Group** – is an organized group to whom a survivor of violence voluntarily agrees to establish a professional helping process;

v. **Women As Sex Objects** – is a condition when women become things or properties to be manipulated, utilized or used for one’s sexual desire or interest, usually in exchange for money or goods where women have no control or power to reject such utilization or use.

ARTICLE II. GENDER DEVELOPMENT PROGRAMS

Section 5. **Collection and Updating of Sex Disaggregated Data.** Data collected in all offices of the Local Government Unit and in all other national offices operating within the territorial jurisdiction of Municipality of Moncada shall be sex -disaggregated and regularly updated so as to provide a realistic picture of women and men and their different circumstances.

Section 6. **Gender Sensitivity Orientation and Training.** All government departments and agencies, schools, institutions, offices, establishments or companies within the Municipality of Moncada shall conduct or participate in gender sensitivity orientation and training to equip them with theoretical and practical knowledge on gender issues and concerns. Assessment tools for gender biases shall be developed by the tertiary educational institution within Municipality of Moncada together with the Human Management Resource Office of the LGU and representatives from women's groups and business establishments.

Section 7. **Support to Gender Studies and Trainings.** A sufficient amount shall be provided for gender sensitivity trainings (GSTs) conducted for government institutions, the LGU's departments and agencies, women and men's organizations, likewise for

research, documentation and development of materials that will promote and add to the LGUs data base on Gender and Development.

Section 8. Production of Gender-Fair Materials. The production and dissemination of gender- fair materials that promote better understanding of gender issues and concern shall be supported by the LGU.

Section 9. Integrated Gender-Sensitive and Environment-Friendly Zoning Plan. The Zoning Plan of Municipality of Moncada shall take into consideration the following:

- a. relocation of communities shall not deprive anyone of their sources of livelihood.
- b. relocation sites shall not contribute to an increase in anyone's burden in economic, home and social production.
- c. housing and industrial projects shall be those unproductive lands not suitable for agricultural purposes.

Section 10. Community-based Environmental Plans and Programs. Both men and women shall participate in pollution control, zero-waste technology development and management, preservation of the forest, marine and aquatic resources and reforestation with due respect for the original settlers of the land.

Section 11. Women in Environmental Impact Assessment Projects. The LGU shall recognize and promote the participation of women in environmental impact assessment projects.

Section 12. Promotion of Alternative Technology. The LGU shall actively promote an alternative technology that is appropriate, safe, and if possible profitable, for everybody.

Section 13. Sufficient Budget for Social Services. Sufficient amount to help the neediest and those in extremely difficult circumstances shall be allocated for basic social services.

Section 14. Training on Non-traditional Occupation. Women shall be given opportunity to acquire training and skills on non-traditional occupation such as those related to science and technologies.

ARTICLE III. HEALTH AND SAFETY

Section 15. Budget for Women's Health. An amount as maybe necessary shall be set aside in the annual budget of the Local Government Unit for women's health, medicines and nutrition services. This shall be one of the major components of the GAD Budget.

Section 16. Upgrading of Health Care Delivery System. In consonance with the Department of Health's thrusts, the LGU of Moncada shall strengthen health delivery system. Quality health care and services that are not discriminatory on account of sex, age, financial status and religion shall be implemented.

Section 17. Reproductive Health Care Delivery. The Local Government of Municipality of Moncada shall adopt the reproductive health (RH) care approach at all levels of health care delivery. Such approach interfaces many issues not previously considered central to population: sexuality, reproductive tract infection, gender power relations and domestic violence and shall not limit to family planning and child bearing only.

Section 18. **Health Education.** The Municipality Health Office shall continuously conduct education for women on health issues, common diseases, their causes and prevention, healthful living, and clean environment.

Section 19. **Upgrading of Rural Health Units and Barangay Health Center Facilities and Services.** The municipal government shall endeavor the sustained upgrading of services and facilities both in the rural health units and the barangay health centers in the municipality.

Section 20. **Protection Against Drug Abuse.** A special task force shall be created and sustained by the LGU for the protection against drug abuse and proliferation of illicit drugs in the municipality.

Section 21. **Access to Safe Water.** The LGU shall ensure that safe water is available in each barangay for easy access to ease women's workload as well as minimize women and children who are fetching water for household use.

Section 22. **Provision of Separate TB Dots Facility and Infrastructure.** The municipality shall have a separate building for treatment, counseling and management of TB patients

ARTICLE IV. EDUCATION

Section 23. **Promotion of Gender Sensitive Curricula.** Schools in the Municipality shall promote gender sensitive curricula and shall review their learning materials, communications, information and other activities for possible gender biases that should be identified and corrected.

Section 24. **Joint Agencies Classes and Trainings.** Regular classes for women shall be conducted through the joint effort of the different departments of the LGU, including but not limited to the: Municipality Social Welfare and Development Office (MSWDO), the Municipal Health Office (MHO), and the Municipal Nutrition Office to educate them on their rights, laws vis-à-vis women, health issues, and other functional and practical knowledge they can use to improve themselves, as well as their families.

Section 25. **Strengthening the Alternative Learning System (ALS).** The Alternative Learning System (ALS) conducted by the Schools Division of Municipality of Moncada under which both men, women and youth may avail of non-formal elementary and high school education, or livelihood skills training for augmentation of income shall be strongly supported by the Local Government Unit of Moncada.

Section 26. **Municipality Scholarships.** Scholarships extended by the municipal government to students sent to schools shall be fairly apportioned so that no one who is qualified is deprived of such educational assistance by reason of sex.

Section 27. **Sex Education.** Sex education for minors shall be handled sensitively by well-trained persons always in the context of the sacredness of life, the sanctity of marriage, and respect for persons.

Section 28. **Special Training for the Lupong Tagapamayapa.** A special paralegal training for the Barangays Lupong Tagapamayapa along gender questions and related matters shall be initiated and supported by the LGU.

Section 29. **Education on Legislations Related to Gender and Development.** The LGU shall regularly conduct seminars and education of the different sectors on legislations pertinent to women and those related to gender and development.

ARTICLE V. **LABOR, EMPLOYMENT AND ECONOMIC BENEFITS FOR WOMEN**

Section 30. **Equal Access to Employment, Trainings and Promotion.** No one shall be denied of employment opportunity on account of gender, age, creed, religion and civil status as prescribed in the Labor Code, as amended by RA 725. Likewise, no one shall be denied of training and promotion in employment.

Section 31. **Wage and Benefits.** Every employer shall comply with the minimum wage as prescribed by the Regional Wage Board and shall grant all benefits to all employees such as maternity/paternity leave, sick and vacation leave, retirement, termination and other benefits provided by law.

Section 32. **Facilities and Support Systems for All Employees.** The Local Government Unit of Moncada shall ensure the safety and health of women employees, and in appropriate cases shall:

- a. establish separate toilet rooms, lavatories, lounge for men and women, provide at least a dressing room for women;
- b. establish a Home Care Center or Corner in the workplace to temporarily cater breastfeeding, child rearing and early childhood care for working parents while on their jobs.

Section 33. **Employment Assistance Program.** In cooperation with the Department of Labor and Employment, the LGU of Moncada shall endeavor to assist poor students, the unemployed, and the underemployed in securing gainful employment.

Section 34. **Education on Entrepreneurship.** The Municipality Government in partnership with the Department of Labor and Employment shall undertake seminars and other educational activities to hone women's skills in entrepreneurship and related subject matters that will help them earn extra income for themselves and their families.

Section 35. **Livelihood Training Programs for Women.** Women of the LGU shall be trained in livelihood projects that can augment the family income and those that boost women's confidence and respect for themselves. The Technology Livelihood and Development Center and the Municipality Social Services and Development shall be tasked to coordinate and facilitate trainings especially with the help of the Technological Education.

Section 36. **Capital Assistance to Women.** Out of the Gender and Development Funds, a certain percentage shall be allocated for capital assistance to women, the mechanics of which shall be set up by the Municipal Gender and Development Council (MGADC) in consultation with the representatives of the Municipal Federation of Women's Associations (MFWA).

Section 37. **Investments and Loans.** The LGU through the Municipal Gender and Development Council (MGADC) shall conduct consultations with POs, GOs and NGOs to establish agreements for loans and investment loans that can promote or assist people's welfare and development at the Municipality and barangay level.

Section 38. On House Helpers. House helpers below 18 years old shall be given the opportunity for at least elementary education and that they be treated in just and humane manner. (Labor Code of the Philippines/Kasambahay Law)

Section 39. Orientation on Sexual Harassment. All offices in the Municipality, schools, agencies, establishments or companies, public or private shall conduct or sponsor orientation on sexual harassment for their respective employees.

Section 40. Setting Up of Grievance Committee. A grievance committee shall be set up in all local offices, agencies, establishments or companies to act on complaints /cases related to various forms of discrimination against gender or sex in the work place such as hiring, job training, promotion, and the like. For this purpose a grievance procedure must be installed in every office, agency or establishment.

Section 41. The Committee on Decorum and Investigation (CODI). The Committee on Decorum and Investigation (CODI) shall be the body to deal with complaints on sexual harassment covering all employees in the Municipal Government of Moncada as per Administrative Disciplinary Rules on Sexual Harassment Cases submitted by the Municipality to the Civil Service Commission Regional Office VI on November 25, 2003.

Section 42. Gender-Sensitive Plan. A physical plan appropriate for a gender-sensitive environment shall be adopted by all offices, agencies and establishments or companies which shall help prevent sexual harassment, sexual abuse, and other forms of maltreatment in the work places.

ARTICLE VI. POLITICAL AND PUBLIC SPHERE OF WOMEN

SECTION 43. Declaration of March 8 as Women's Day. March 8 as declared by the United Nations shall be observed as Women's Day in Municipality of Moncada through an Executive Order to be issued by the Local Chief Executive or an Ordinance enacted by the Sanggunian Bayan. Activities for the Day shall be spearheaded by the MGADC and the MFWA and focus on the promotion and improvement of women's lives and their families.

Section 44. Women's Assembly. A Women's Assembly shall be convened once a year to consult women on issues and concerns that affect them and which can be brought to the attention of different departments and agencies for responsive solutions.

Section 45. Women Groups. The Local Government Unit of Moncada shall encourage the organization of women in the barangays and in other sectors, and initiate the federation of all women's groups in the municipality for an efficient and systematic implementation of programs and projects intended for women in the barangays and in different sectors. Guidelines for the federation shall be embodied in an Executive Order to be issued by the Local Chief Executive upon consultation with the Municipal Gender and Development Council (MGADC).

Section 46. Representation of Women in Local Special Bodies. The Local Government Unit shall ensure that women are represented in the Municipal Development Council and in other local special bodies the membership of which is not stipulated by any national or local legislation. Such local bodies shall include, but not be limited to: Peace and Order Council, Local Council for the Protection of Children, Municipal Disaster Risk Reduction Management Council (MDRRMC), etc.

ARTICLE VII. WOMEN IN AGRICULTURE

Section 47. Women Owners and Tillers of Land. The Municipal Government through the Municipal Agriculture Office shall lend special assistance to women who own and till their pieces of land by including them in seminars, organizations of farmers, distribution of agricultural products, and other benefits usually given to men farmers.

Section 48. Data Base on Women Farmers. The Municipal Planning and Development Office (MPDO) in collaboration with the Municipality Agriculture Office shall start and regularly update a data base on women and men farmers with relevant information including but not limited to: area of land tilled, address, kind of land, produce, mode of farming used, farm inputs, problems often meet, and many others.

Section 49. Access to Scientific and Environment and Women Friendly Technologies. A Center for Scientific, Environment-friendly and women-friendly technologies shall be put up in the Agriculture Office for the education and use of women.

ARTICLE VIII SPECIAL GROUP OF CITIZENS

Section 50. Special Education Classes for Differently-Abled Persons. The Municipality shall support and assist the Special Education Classes under the Schools Districts in the municipality in order that differently- abled persons may learn appropriate academic and livelihood skills.

Section 51. Active Advocacy on the Rights of the Differently-Abled Citizens. The Municipality of Moncada Council for the Protection of Women and the Council for the Protection of Children shall collaborate in advocating and mainstreaming the rights of the differently-abled persons.

Section 52. Employment Opportunities for the Differently-Abled. The Municipality through the Municipality Welfare and Development Office, the PESO, and the Technology and Livelihood Development Center (TLDC) shall study and initiate skills trainings, create employment opportunities for the differently-abled persons.

Section 53. Office of the Senior Citizens Association (OSCA). Through the Office of the Senior Citizens, headed by the Chairman, senior citizens of Municipality of Moncada shall be given the services they deserve and shall be represented in the Municipality Development Council so that their issues and concerns can be given ample attention.

Section 54. Privileges and Benefits for Senior Citizens. It shall be the duty of the Local Government Unit to ensure the implementation and compliance to RA 9994, particularly Section 4, that uphold such benefits and privileges of the /Senior Citizens as follows:

a. Twenty per cent (20%) discount and exemption from the value-added tax (VAT), if applicable on the sale of the following goods and services from all establishments, for the exclusive use and enjoyment or availment of senior citizens :

1. Purchase of medicines, including purchase of influenza and pneumococcal vaccines and such other medical supplies, accessories and equipment to be determined by the Department of Health (DOH);

2. Professional fees of attending physician/s in all private hospitals, medical facilities, outpatient clinics and home care services;
3. on the professional fees of licensed professional health workers providing home health care services as endorsed by private hospital or employed through home health care employment agencies;
4. On medical and dental services, diagnostic and laboratory fees in all private hospitals, medical facilities, outpatient clinics, and home health care services;
5. In actual fare for land transportation, in public utility buses (PUBs), public utility jeepneys (PUJs), taxis, etc;
6. In actual transportation fare for domestic air transport services and sea shipping vessels and the like, based on actual fare and advanced booking;
7. On the utilization of services in hotels and similar lodging establishments, restaurants and recreation centers;
8. On admission fees charged by theaters, cinema houses and concert halls, circuses, carnivals, and other similar places of culture, leisure and amusement; and
9. On funeral and burial services for the death of senior citizens;

b. exemption from the payment of individual income taxes of senior citizens considered as minimum wage earners in accordance with Republic Act 9504;

c. the grant of a minimum of five percent (5%) discount relative to the monthly utilization of water and electricity supplied by public utilities; as regulated by Republic Act 9994;

d. exemption from training fees for socio economic programs;

e. free medical and dental services, diagnostic and laboratory fees such as, but not limited to, x-rays, computerized tomography scans and blood tests, in all government facilities, subject to guidelines issued by the DOH in coordination with the PhilHealth;

f. The DOH shall administer free vaccination against the influenza virus and pneumococcal disease for indigent senior citizen patients;

g. Educational assistance to senior citizens to pursue postsecondary, tertiary, post tertiary, as well as vocational or technical education in both public and private schools through provision of scholarships, grants, financial aid subsidies and other incentives to qualified senior citizens, including support for books, learning materials, and uniform allowance, to the extent feasible: provided that the senior citizen shall meet minimum requirements;

h. to the extent practicable and feasible, the continuance of the same benefits and privileges given by the Government Service Insurance System (GSIS), Social Security System (SSS) and the PAG-IBIG, as the case maybe, as are enjoyed by those in actual service;

i. provision of express lane privileges in all commercial and government establishments; or in the absence thereof, priority shall be given to them;

j. death benefit assistance of a minimum of two thousand pesos (Php 2,000.00) shall be given to the nearest surviving relative of a deceased indigent senior citizen;

Section 55. Funds for the Senior Citizens and the Differently-Abled Persons. As decreed by R.A. 7432, the Senior Citizens shall be entitled to one percent of the Municipality Development Fund which they shall share in equal amount with the differently-abled sector, said funds to be used for livelihood assistance, routine physical check-up, social and group work programs and other appropriate socio-economic activities for senior citizens.

ARTICLE IX. SUPPORT SERVICES

Section 56. Support for Women-Survivors of Violence. The Local government Unit of Moncada shall provide necessary support to women-survivors of violence, including legal services whenever feasible. Women and Children victims of violence shall be provided temporary shelter at the Municipality's Crisis Center and shall undergo a psychosocial program to be facilitated by the Municipal Social Welfare and Development Office (MWDO).

Section 57. PNP Women and Children's Desks (WCD). The Local Government Unit of Moncada through the Philippine National Police shall establish and maintain the WCDs preferably handled by women police officers duly trained in GAD issues and concerns. A separate WCD room shall be equipped and maintained within the police headquarters.

Section 58. Investigations and Hearings of Rape Cases, Incest and Other Forms of Violence against Women and Children. Investigations and hearings of rape cases and other violence against women and children conducted in police stations, prosecutor's office, and trial courts shall recognize and allow the survivor's support group to be present as observers and to provide moral support to the survivor, subject of such investigation and hearing.

Section 59. Barangay Women and Children's Welfare Desk. A Women and Children's Welfare Desk shall be established under the Municipality Social Welfare and Development Office and in all Barangays to cater to problems related to women and children. Training for women who handle the Barangay Women and Children's Desk shall be an on-going activity for the Municipality.

Section 60. Women and Children Crisis Center. The LGU shall ensure the effective operation of the Women and Children Crisis Center with the provision of enough funds and personnel to assist women victims that seek shelter within it.

Section 61. Support for Women Detainees. A separate detention cell shall be provided women inmates, where their privacy is fully protected and where they can pursue beneficial and profitable activities. They shall also be supported through a) speedy trial of their cases by all concerned b) Appropriate programs responsive to their specific needs and problems as detainees c) Separate structure and space for detention and rehabilitation shall be established.

Section 62. 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 and the Municipal Children's Welfare Code.

Section 63. **Support for Overseas Contract Workers (OCWs)**. The LGU shall initiate the conduct of a survey and maintenance of data-base on overseas contract workers in the municipality and take note especially of survivors of abuses, results of which shall be the basis in identifying special support for OCWs, and shall cause the listing of all placement agencies for monitoring purposes.

Section 64. **Women and Children In Disasters/Calamity Circumstances**. As vulnerable groups, women, children and senior citizens shall be given priority attention and services in cases of disasters and calamities.

ARTICLE X. SOLO PARENTS

Section 65. **Solo Parent** – is defined as any individual who falls under the following categories:

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

Section 66. **Benefits and Privileges of a Solo Parent** – Pursuant to RA 8972, otherwise known as the Solo Parent's Welfare act of 2000, the Municipality Government of Moncada hereby adopts and implements a comprehensive program of services for solo parents and their families which shall be carried out by the Municipality Social Welfare and Development Office, Municipality Health Office, Human Resource Management Office, Department of Education, Department of Interior and Local Government and other government and non-government agencies that shall initially include the following:

- a. Livelihood opportunities which shall include, but not limited to, trainings and seminars on livelihood skills, business entrepreneurship, provision of seed capital and job placement;
- b. Individual, peer group and/or family counseling services with special focus on interpersonal relationship and role conflicts;
- c. Parent development and effectiveness seminar;
- d. Psychosocial Care and Support strategies;
- e. Special Programs and activities for individuals in need of protection;
- f. Disaggregated data base on solo parents of Municipality of Moncada

Section 67. **Flexible Work Schedule for Solo Parents.** The Municipality government shall devise and implement a flexible working schedule for solo parent-employees, provided, that the same shall not affect individual and agency or office productivity and is based on meritorious ground/s; provided further, that the schedule shall be approved by the Civil Service Commission.

Section 68. **Solo Parent Leave.** In addition to leave privileges allowed by existing laws and issuances, parental leave of not more than seven (7) working days every year shall be granted to any solo parent-employee of the Municipality government and other entities who has rendered service of one (1) year.

CHAPTER II: PENAL PROVISIONS

ARTICLE XI. VIOLENCE AGAINST WOMEN AND THEIR CHILDREN

Section 69. **Violence Against Women and their Children.** - as defined under R.A. 9262 refers to any act or a series of acts committed by any person against a woman who is: his wife; former wife; or against a woman with whom the person has or had a sexual relationship or dating relationship, or with whom he has a common child, or against a child whether legitimate or illegitimate, within or without the family abode, which result or is likely to result in physical, sexual, psychological harm or suffering, or economic abuse including threats of such acts as, battering, assault, coercion, harassment or arbitrary deprivation of liberty.

Penalty for acts of violence against women and their children shall be dealt with and penalized in consonance with the provisions of R.A. 9262.

Section 70. **Battering.** - is a series of physical, emotional and psychological abuse. It is repeated and habitual cyclic pattern as means of intimidation and imposition of the batterer's will and control over the survivor's life.

Penalty for the crime of battering shall be dealt with and penalized in consonance with the pertinent national law.

Section 71. **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 directly, indirectly or impliedly.

Penalty for the crime of sexual Harassment shall be dealt with and punished in consonance with the provisions of RA 7877 and the Revised Penal Code under Acts of Lasciviousness.

Section 72. Sex Trafficking. It is unlawful for any person or groups to commit the following acts:

- a. Establish or carry on a business for the purpose of exploiting women for purposes of sex, sex slavery, sex trade, sex tours and other immoral activities.
- b. 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 prohibited acts.
- c. 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.
- d. Use the postal services, cyberspace or satellite TV to promote the above-mentioned prohibited acts.
- e. To buy or sell a woman or any of her body parts.
- f. To act as a procurer of a sex worker.
- g. To threaten or use violence and force a woman to become a mail-order bride

Section 73. Other Forms of Trafficking. Any person or agency who encourages, influence or recruits women to work abroad or locally for a particular job on a promise of a fee, but instead force and deceive the women to engage in prostitution, be a domestic helper or do other odd jobs. Persons liable thereof may also be prosecuted and penalized in accordance with R.A. 6955, An Act which Outlaws the Practice of Matching Filipino Women for Marriage to Foreign Nationals on Mail-order Basis.

Penalty for the commission of these acts of trafficking shall be dealt with and penalized in consonance with the provisions of the pertinent national law.

Section 74. Rape. Rape is committed by having carnal knowledge of a woman under any of the following circumstances:

- a. By using force or intimidation
- b. When the woman is deprived of reason or otherwise unconscious; and
- c. When the woman is under twelve years of age or is demented (Art 335, Revised Penal Code as amended by R.A. 8353.

Section 75. Protective Measures. At any stage of the preliminary examination or investigation, prosecution and trial of a complaint for rape the following protective measures shall be observed.

- a. the right to a closed door hearing unless expressly waived by the offended party;
- b. the right of a social support group to witness hearing as expressly allowed or requested by the offended party;
- c. non-disclosure of the name and personal circumstances of the offended party, or any information tending to establish the person's identity;

d. any other analogous measures that will ensure the protection of the identity of the offended party and his or her family from undue and sensationalized publicity.

The crime of Rape shall be dealt with and penalized in consonance with the provisions of R.A. 7659

Section 76. **Prostitution** – which is the sale, purchase and exchange of women and minors for sexual exploitation, cash, profit or other economic considerations by an individual, included but not limited to a 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.

The crime of prostitution shall be dealt with and penalized in consonance with pertinent national laws.

Section 77. **Beauty Contests and Indecent Shows**. Only beauty contests that project the beauty, strength, skills and intelligence of men and women participants are hereby allowed everywhere in the Municipality. Beauty contests that commodify, humiliate and treat men or woman as sex objects are hereby prohibited whether in schools and in the barangays. Indecent shows are prohibited in any place in the Municipality. The IRR for this Ordinance shall prescribe the penalty for violators of this provision.

Section 78. **Pornography**. The distribution, lending, selling and display of posters, publications, video materials of pornographic nature are hereby prohibited in any place in the Municipality.

Penalty for violators of this provision shall be prescribed by the IRR of this Ordinance or by prevailing laws and regulations.

CHAPTER III: PROVISIONS FOR IMPLEMENTATION

ARTICLE XII. CREATION OF GAD COUNCIL

Section 79. **Creation of the Municipal Gender and Development (GAD) Council**. The Municipal Gender and Development Council (MGADC) is hereby created by this Ordinance and shall be the office responsible for the implementation of the provisions of this Gender and Development (GAD CODE) Code. It addresses itself to the convergence of the local government efforts towards a district level coordination and cooperation in facilitating gender and development program planning, development, implementation, monitoring and evaluation.

Section 80. **Membership of the Municipality of Moncada GAD Council**. The following shall constitute the membership of the MGADC. A representative by the member may attend meetings in case that the officer/member is not available:

Chairperson	:	Municipal Mayor
Vice Chairperson	:	Municipal Vice Mayor
Members	:	Chairperson, SB Committee on Women and Family Chairperson, SB Committee on Social Services MSWDO MHO MDPC MLGOO

PSDS, DepEd Moncada South District
PSDS, DepEd Moncada North District
Municipal Agriculturist
MENRO
MDRRMO
Moncada PNP WCPD Officer
MBO
Municipal Treasurer
Liga ng mga Barangay
MHRMO as GAD Secretariat

Section 81. Functions of the Municipal Gender and Development Council (MGADC).
The Municipal Gender and development Council (MGADC) shall be created specifically to realize the provisions of this Ordinance. It shall be the coordinative, regulatory and monitoring body of the Local Government Unit of Moncada with focus on gender-sensitive projects and activities

The MGADC shall have the following function:

- a. Formulate a medium term (3 years) and annual comprehensive and integrated plan and program responsive to the needs and situation of the women in Municipality of Moncada;
- b. Monitor and evaluate the implementation of local gender and development policies, programs and activities through regular review and evaluation of legislations, policies and programs to measure the extent of the mainstreaming of GAD in all aspects and its impact on women's lives;
- c. Monitor and appropriately address all issues and concerns related to women and gender which are brought before the attention of the Council;
- d. Initiate and ensure sustained gender sensitivity trainings, advocacy and education on discrimination and violence against women in all barangays and for the different sectors in the Municipality, and facilitate trainors' trainings for GAD whenever necessary;
- e. Approve and recommend funding requirements for the formulation and implementation of the GAD Plan, Programs and Projects (PPAs) of both the Municipality GAD Council and the Barangay GAD Council.
- f. Ensure the maintenance of an updated sex and age disaggregated data bank through the conduct of regular review of these data;
- g. Encourage the active participation of non-governmental organizations, PO's, the private sector and government units in the mainstreaming of GAD in all programs, projects and activities;
- h. Avail of educational and training seminars so as to be in step with the of the times regarding gender and development
- i. Create functional committees in the performance of its functions, as the need arises;

Section 82. The GAD Focal Point Team. The composition of the GAD Focal Point Team shall be appointed by the Local Chief Executive from among the members of the MGADC and shall have the following functions:

- a. To serve as the Technical Working Group (TWG) to catalyze, coordinate, direct and facilitate the preparation, implementation and monitoring of the LGUs GAD Plan;
- b. To coordinate and assist in all activities related to women and gender within Municipality of Moncada;
- c. To serve as technical adviser for programs/projects on women/gender and development concerns within the Municipality;

Section 83. The GAD Focal Point Chairperson. A Chairperson shall also be appointed from this GAD Focal Point Team to lead and be responsible for the accomplishment of the tasks of the team. The chairperson shall also work in close coordination with the LGU's Budget Officer in the preparation of the GAD Budget.

Section 84. Barangay Gender and Development Committee. The Barangay Committee on Gender and Development shall be tasked to address all gender and development related issues within the Barangay and enact ordinances or pass resolutions responsive to these issues.

Section 85. Barangay Gender and Development Council. A Barangay Gender and Development Council shall be created to approximate the relevant functions of the Municipality.

GAD Council. Plans, programs and activities of the Barangay Gender and development Council shall be submitted to the Municipality GAD Council for review and funding recommendation.

Section 86. Role of the Municipal Federation of Women's Associations. Municipal Federation of Women's Association shall become the consultative-assembly of the Municipal Gender and Development Council for its periodic planning and programming, programs implementation, monitoring, assessment and evaluation.

Section 87. Implementing Rules and Regulations. Through an Executive Order, an Executive Committee composed of the Municipal Social Welfare and Development Office, the Sanggunian Bayan Committee on Women two other members of the MGADC with the secretariat services of the Municipal Human Resource and Management Office shall promulgate the rules and regulations necessary to carry on the provisions of this Ordinance.

Representatives from the Federation of Women's Associations and from the various agencies of the Local Government Unit shall be consulted during the formulation of the Implementing Rules and Regulations of this Ordinance.

Section 88. Compliance Report. Within six (6) months from the effectivity of this Code and every six (6) months thereafter, all Local Government departments, including its agencies and instrumentalities, shall submit a report to the Sanggunian Bayan on their compliance of pertinent Sections of this Code.

Section 89. Appropriations. For the effective implementation of this Ordinance, the Local Government Unit of Moncada shall implement the amount appropriate from official development assistance as stipulated in RA 7192. It shall also appropriate five (5%) from its total annual appropriation.

CHAPTER IV: FINAL PROVISIONS

Section 90. **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 91. **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 92. **Supplementary 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 therefore shall apply in supplemental manner.

Section 93. **Effectivity Clause.** – This Code shall take effect upon compliance with the mandatory posting and publication requirements prescribed under RA 7160, otherwise known as the Local Government Code of 1991.

ENACTED, this 5th day of June, 2017 at Moncada, Tarlac.

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I HEREBY CERTIFY to the correctness of the foregoing Ordinance which was enacted on THIRD AND FINAL READING during the regular session held on the above-mentioned date and place


ABRAHAM S. SALES JR.
Acting Secretary to the Sanggunian

**ATTESTED AND CERTIFIED
TO BE DULY ENACTED:**


JAIIME O. DUQUE
Vice-Mayor & Presiding Officer

APPROVED BY HER HONOR,
this 7th day of June, 2017 at Moncada, Tarlac


ESTELITA M. AQUINO
Municipal Mayor