



GENDER CODE
Province of Negros
Oriental

(Ordinance No. 2,
Series of 2002)

Gender Code

Republic of the Philippines
Province of Negros Oriental
OFFICE OF THE GOVERNOR
Dumaguete City



Message

*I congratulate the author, the Hon. Mariant Escaña-Villegas, and the members of the Sangguniang Panlalawigan, led by its Presiding Officer, the Hon. Jose A. Baldado, for enacting Ordinance No. 2, otherwise known as the **Gender and Development Code of Negros Oriental**, a landmark legislation on men, women and family.*

This is deemed significant in the light of current efforts to promote and protect the rights of women and children under the "Child-Friendly Movement." In fact, it is an attestation to the recognition we placed on these sectors of our society as important players in the development of our country and province.

This Code alerts us to those threats impinging on the rights of our women and children, such as, sexual harassment, rape, domestic violence, and others. It refocuses our attention on the welfare of women and children and the task of empowering them for productive contributions to the growth of the Province.

May this Code serves as our guide and inspiration in advancing the welfare of our women and children.

(Sgd.) GEORGE P. ARNAIZ
Governor of Negros Oriental

Message



The Gender Code encompasses, the widest extent that we in the Provincial Board can perceive, the concerns of women, children and the family, especially women, in order to enlarge their participation in the development process.

By no means, however, does it disregard the men folk. The Code specifically states that it illustrates the full adherence of Negros Oriental to the democratic principle that women and men are created equal. From this perspective, the Code encourages initiatives that will generate equal opportunities beneficial to both men and women.

The Code recognizes the potentials of women to contribute to all forms of development. It seeks to preserve their rights to enter the development arena and to protect their prerogatives with regard to their persons, their children and their families while participating in activities in that arena.

My work on this Code respects the crusade of a friend, the late Norma Catacutan Ybañez, and was made possible by the unstinting support of my colleagues in the Sangguniang Panlalawigan. It is inspired by my own children and family.

To them, and to all women, children and families in Negros Oriental, this Code is dedicated.

(Sgd.) HON. MARIANT E. VILLEGAS
Chair, Women & Family Affairs Committee

Republic of the Philippines
SANGGUNIANG PANLALAWIGAN
PROVINCE OF NEGROS ORIENTAL

**EXCERPT FROM THE JOURNAL OF THE PANLALAWIGAN
SESSION ON:**

Date: February 14, 2002 – 2:40 p.m. Classification: Regular Session

RECORDS OF ATTENDANCE:

HON. JOSE A. BALDADO
Vice-Governor & Presiding Officer
Present

- | | |
|--------------------------------|-----------|
| HON. ERNESTO T. TIJING | - Present |
| HON. EDMUND T. NALAM | - Absent |
| HON. MARCELO G. ADANZA | - Present |
| HON. JOSELITO V. PARAS | - Present |
| HON. LORENZO C. DY | - Present |
| HON. ERWIN MICHAEL L. MACIAS | - Present |
| HON. NAPOLEON E. VILLEGAS, JR. | - Present |
| HON. MA. ANTONIA E. VILLEGAS | - Present |
| HON. LUISA A. VILLEGAS | - Present |
| HON. ARTURO V. UMBAC | - Present |
| HON. ROLANDO O. GAGA-A (LNMB) | - Present |
| HON. JUAN MIGUEL G. ROMEO (SK) | - Present |
| HON. LEE F. DY (PCL) | - Present |

Author: HON. ANTONIA E. VILLEGAS

“On motion of Honorable Member Ma. Antonia E. Villegas, seconded by Honorable Member Ma. Luisa A. Villegas, the Sangguniang Panlalawigan, in session duly assembled, resolved to enact the following Ordinances:

ORDINANCE NO. 2
(Series of 2002)

**AN ORDINANCE FOR THE GENDER AND
DEVELOPMENT CODE OF NEGROS ORIENTAL**

CHAPTER I – GENERAL PROVISIONS

ARTICLE I

Title, Statement of Principles and Definitions of Terms

Section 1. *Title.* This Ordinance shall be known as the 'GENDER AND DEVELOPMENT CODE OF NEGROS ORIENTAL', hereinafter as the GENDER CODE.

Section 2. *Statement of Principles.* This Gender Code is the instrument that would illustrate the full adherence of Negros Oriental to democratic principle that women and men are created equal. This initiative is aimed at mainstreaming women's concerns to create a wider arena for women's active participation in the development process, to protect women's rights and provide them with opportunities equal to those available to men.

This is coherent with declaration of the United Nations, to wit:

- 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 prevalent in their community and nations.
- C. Women have the right to knowledge and means necessary for the full exercise of their productive rights according to their beliefs and preferences.

- D. Women have the right to the means of insuring their economic welfare and security.**
- E. Women have the right to choose their spouses in accordance with their values and preferences, maintain equality in marriage, work for its dissolution if need be, and obtain adequate support for the rearing and caring of their children.**
- F. Women have the right to adequate nutrition and proper health care.**
- G. Women have the right to humane living conditions.**
- H. Women have the right to nurture and enhance 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.**
- I. Women have the right to equality before the law in principle and in practice.**

This local legislation shall provide the Provincial Government of Negros Oriental with a Policy direction to formulate programs and strategies among others that would:

- 1. Mainstream gender concerns in sectoral development plans, policies and programs;**
- 2. Intensify awareness campaigns advocacy on gender issues and concerns:**
- 3. Strengthens the partnership between government, people's organizations, civic and non-government organizations to maximize the effectiveness of programs and services addressing gender and development programs (GAD) concerns:**
- 4. Encourage, expand and support the participation of grassroots women in the planning, implementation monitoring and evaluation of development programs and projects;**

5. Recommend, initiate and include appropriate gender-sensitive lessons and/or courses in curricula in all academic levels;
6. Provide gender-responsiveness in the relief, rehabilitation and self-enhancement programs with special focus on women's and children's needs;
7. Involve men in reproductive health programs, child health care and nutrition concerns and engage them in projects that would enhance the well-being of the family;
8. Set-up and maintain crisis intervention centers and shelters in coordination with the appropriate organization in the Province of Negros Oriental for survivors of social conflicts and violence against women and children;
9. Promote and ensure gender sensitivity in local media, advertising agencies and other information outlets;
10. Increase the membership of women in decision and policy-making positions in the locality through the implementation of capability building programs and;
11. Establish, monitor and sustain the necessary mechanism to enable and empower tribal and grassroots women to participate in development programs and gain access to non-traditional sources of livelihood, credit financing, skills training and labor-saving technologies.

Section 3. *Definition of Terms.* The following terms and/or phrases used in this GENDER CODE shall mean as follows:

1. **Battering.** This is a series of physical, emotional, and/or psychological abuse. The forms of battering are:
 - a. **Sexual Battering.** This includes physical attacks on women or in the form of forced sexual activity accompanied by either physical violence or threats of physical violence.

- b. **Psychological Battering**. This includes threats addressed to the woman and/or family, controlling the victim's lawful or usual activities, the use of foul words statements and threats of abandonment and expulsion.
 - c. **Economic Battering**. This includes deprivation of women of economic resources, their generation and mobilization so as to create dependency and submissiveness to men or to any established structures of domination.
2. **Commodification of women** is a practice through which women are treated both as consumers and object of consumption thus degrading them.
 3. **Discrimination against women** is any distinction, exclusion or restriction made on the basis of gender which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise of their rights as women.
 4. **Domestic violence** is any form of abuse or battering which a person inflicts on a member of his immediate family or his/her relatives.
 5. **Family members** are persons intimately related to one another such as spouses, live-in partners and other similar relations, whether together or not, or between persons with a common child. Family members may also include relatives by consanguinity or affinity up to the fifth civil degree, including stepparents and stepchildren.
 6. **Gender** is the set of characteristics, roles and expectations attributed particularly to women and men by society.
 7. **Gender and development** shall refer to a perspective, which recognizes the equal contribution of women and men to all aspects or well-being and development. Such perspective involves the process of searching for new and innovative initiatives, which would help transform an equal gender relations into opportunities beneficial to both men and women.
 8. **Gender Equality** is the ideal sought by women and men who are aware of social realities.

9. **Gender Mainstreaming** is a strategy of integrating, including and addressing gender and development concerns and issues at all levels of governance.
10. **Gender-sensitive** means understanding the marginalized position of women vis-à-vis men.
11. **Pornography** is a written, graphic or other forms of communication intended to excite lascivious feelings.
12. **Prostitution** is the sale, purchase and exchange of men, women and minors for cash, profit or other economic considerations by an individual, including but not limited to the pimp, procurer of the service, parents who participate in or who willfully allow such transactions to take place and/or owners of establishments where such transactions take place such as disclotheques, bars, sauna baths, massage clinics, hotels or restaurants, and by any person who uses any scheme to exploit women and minors by way of sex.
13. **Reproductive health**. As defined by the International Conference on Population and Development and the World Health Organization affirmed by the Beijing Conference, reproductive health is a state of complete physical, mental and social well being. It is not merely the absence of disease and infirmity, relating to the reproductive system and to its function and process. It consists of 10 elements, namely:
 - * Maternal and Child Health and Nutrition
 - * Family Planning
 - * Prevention and Treatment of Reproductive Tract Infection (RTIs) including STDs, HIV and AIDS
 - * Prevention and Management of Abortion Complications
 - * Education and Counseling on Sexuality and Sexual Health
 - * Breast and Reproductive Tract Cancers and other Gynecological Conditions
 - * Prevention and Treatment of Infertility and Sexual Disorders
 - * Men's Reproductive Health
 - * Adolescent Reproductive Health
 - * Violence Against Women

14. **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, which may be implied or made directly or indirectly.
15. **Sexuality** is one's expression of personhood on the basis of self-appreciation and satisfaction of needs.
16. **Sex trafficking** is the covert or overt recruitment of men, women and children into the sex industry. It includes new forms of sexual exploitation such as sex tourism, the recruitment of laborers for sexual purposes in the guise of hiring them as domestic workers in developed countries, and organized marriages between women from third world countries and foreign male nationals.

It is a system in which men, women and children become movable properties and objects of exchange.

17. **Violence against women** is any act of gender-based violence that results in, or is likely to result in physical, sexual or psychological harm, discrimination against and/or suffering in women, including threats of such act, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.

Violence against women includes, but is not limited to:

- * Physical, sexual and psychological violence occurring in the family and other close relationship, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, and other traditional practices harmful to women.
- * This also includes non-spousal violence and violence related to exploitation.
- * Physical, sexual and psychological violence occurring within the general community, including rape, sexual harassment and intimidation at work, in educational institution and elsewhere, trafficking in women and forced prostitution.
- * Physical, sexual and psychological violence and discrimination perpetuated or condoned by the State where it occurs.

* Other acts of violence against women include:

- Violation of the human rights of women in situation of armed conflict and, in particular, murder, statutory rape, sex slavery and forced pregnancy.
- Forced sterilization and forced abortion coercive/forced used of contraceptive, engaging in premarital sex and female infanticide.
- Feminization of poverty

18. **Women as Sex Objects.** Sometimes women become things or properties which may be manipulated, utilized or used for a man's sexual gratification or for the advancement of his selfish interest, usually in exchange for money or goods where women have no control or power to reject such utilization or manipulation.

ARTICLE II

Gender and Development Programs

Section 4. *Gender-sensitivity Orientation and Training.* All schools, offices, business, industrial and technological establishments or companies, departments and agencies within the Province of Negros Oriental shall be provided with gender sensitivity orientation and training. They shall be required to equip themselves with theoretical and practical knowledge on gender issues and concerns.

Likewise, all establishments, schools, colleges and universities shall develop and institutionalize tools and mechanisms with the end view of eradicating gender biases.

Section 5. *Support for gender studies.* Money shall be allotted to gender-related documentation, researches and information dissemination that shall form part of the Province's database program development.

Section 6. *Popularization of Gender-fair Reading Materials.* There shall be an active promotion and publication of gender-fair

materials in popular forms in Negros Oriental.

Section 7. *Community-based Environment Plans and Programs.* Both men and women shall participate in anti-pollution, zero-waste technology development and management, preservation of forests, marine and aquatic resources and indigenous reforestation giving due respect to indigenous people and their rights to self-determination.

Section 8. *Gender-sensitive Natural Resources-based Management Programs.* The Negros Oriental government shall engage in the development and promotion of gender-sensitive natural resources-based management programs.

Section 9. *Role of Women in Environment Impact Technology.* The Province of Negros Oriental shall ensure the active participation of women in environment impact assessment projects.

Section 10. *Investments and Loans.* The Negros Oriental Government, shall conduct consultative assembly of all POs, GOs and NGOs to establish contacts so that loans and investments may be made accessible to women in the province.

Section 11. *Support for Women Overseas Contract Workers.* The Negros Oriental Government shall conduct a survey of overseas contract workers, especially those who have become survivors of abuses. The results of this survey shall serve as basis for identifying special support to be made available to all OCWs. The appropriate agency shall make the list of legitimate placement agencies for monitoring purposes.

Section 12. *Special Courses on Overseas Employment.* In coordination with the Department of Labor and Employment, special courses on overseas employment primarily to orient all on the issues and concerns relative to migration shall be systematically introduced to all especially at the barangay level.

Section 13. *Education on National Policies.* Women and men shall undertake education on national policies and their implications on women and family.

Section 14. *Special Training for Members of the Lupong Tagapamayapa.* A special paralegal training along gender questions and related matters for members of the Lupong Tagapamayapa shall be conducted.

Section 15. *Training on Non-traditional Occupations.* Women shall be given opportunities to acquire training in non-traditional means of livelihood including those related to science and technologies.

ARTICLE III Support Services

Section 16. *Support for Women-victims of Violence.* The Negros Oriental Government shall provide necessary support to women-survivors of violence. Such women shall be registered with the GAD Commission so they could avail themselves of its support and services.

Section 17. *Negros Oriental Media Monitoring Board.* A Negros Oriental Media Monitoring Board shall be created for print, broadcast, and other forms of media and media outlets to include movie houses, video shops, electronic communications, cable television, books and other forms of audio-visual channels or instruments, to monitor and initiate filing of appropriate charges against the initiators of activities and authors, editors, and dissemination of materials that degrade women.

Section 18. *Women's Desks.* The Negros Oriental Government shall establish and maintain women's desks preferably handled by Women Officers duly trained by GAD personnel in all barangays. The safety and privacy of clients shall be guaranteed.

Section 19. *Court Hearings of Rape Cases, Incest and Other Forms of Violence against Women.* All investigations/hearings involving rape cases and other forms of violence against women conducted in police stations, prosecutors' offices and trial courts shall recognize and allow the victims' support group to be present in the courtroom as observers to ensure moral support for the victims while

seeing to the preservation of their privacy.

Section 20. *The Family Disputes and Violence Committee.* All barangays in the province shall create the Family Disputes and Violence Committee to handle cases of family disputes and domestic violence. This committee shall be under the Lupong Tagapamayapa.

Section 21. *Crisis Intervention Centers.* Crisis Intervention Centers shall be established in strategic areas to serve as temporary shelters with appropriate support services for women in crisis situations and their children under the management and supervision of the GAD Commission.

ARTICLE IV

Provincial Government Action through the Negros Oriental Commission on Women

Section 22. *Observance of March 8 as International Women's Day.* As declared by the United Nations, March 8 of every year shall be observed as International Women's Day. Activities for and by women shall be initiated in all barangays to increase the level of awareness and critical consciousness on issues affecting them.

Section 23. *Women's Summit.* The Negros Oriental Commission on Women shall convene a Women's Summit at least once every year.

Section 24. *International Day of Action for Women's Health.* It shall cause the celebration of the International Day of Action for Women's Health every year where issues and concerns relative to the protection and promotion of women's health shall be examined, deliberated on, disseminated and for which government action shall be sought.

Section 25. *Organizing Women in the Barangay Level.* It shall organized women in the barangay level.

Section 26. *Representation of Women in Local Special Bodies.* It shall ensure that women are duly represented in the Provincial Development Council and local special bodies in the province, city, municipal and barangay levels to strengthen government recognition of women's potentials in the formulation and planning of local development programs.

Section 28. *Setting-up of Grievance Machineries.* A grievance committee shall be set up in all local offices, agencies, establishments or companies to act on complains related to sexual harassment. For this purpose, a grievance procedure shall be installed in every agency, office and/or establishment.

Section 29. *Support for Working Mothers.* Working mothers shall receive assistance through the establishment of childcare centers.

Section 30. *Women's Right over their Bodies.* A woman's decision to prevent and control pregnancy in accordance with her personal faith and beliefs shall be given appropriate support and guidance by all private and public health professionals.

Section 31. *Primary Health Care Delivery.* In consonance with the thrusts of the Department of Health, the Primary Health Care Delivery System vis-à-vis women's reproductive health shall be strengthened.

Section 32. *Promotion of Gender-sensitive Curricula.* Schools and other concerned agencies within Negros Oriental shall promote gender-sensitive counseling programs to encourage everyone, especially women, to pursue academic an a technical courses to widen their career opportunities.

Section 33. *Sex Education.* Sex education for children in the pre-puberty stage shall be included in the curricular offerings of all schools.

ARTICLE VI

Rural Women

Section 34. *Promotion of Land-based Projects.* The Provincial Government shall promote and support land-based projects ensuring food security for rural women utilizing science, women-friendly and appropriate technology to promote the spirit of collectivism.

Section 35. *Access to Science and Women-friendly Alternative Technology Education.* The Provincial Agriculture Department, in cooperation with the Department of Science and Technology and other related line agencies, shall establish a science and women-friendly alternative technology centers for women in rural barangays.

ARTICLE VII

Women with Special Needs

Section 36. *Special Education for Differently-abled Women.* Efforts shall be exerted to mainstream differently-abled women in school, offices and the like.

Section 37. *Advocacy for Differently-abled Persons Rights.* The GAD Commission shall conduct active advocacy for the rights of differently-abled women.

Section 38. *Support Funds for Women Senior Citizens.* Funds shall be allocated for livelihood assistance, routine physical check-up, social group work programs and other appropriate socio-economic and recreational activities for women senior citizens.

Section 39. *Support for Women in Detention.* The rights of all women detainees shall be protected. Speedy trial of their cases shall be ensured by all concerned. All appropriate programs shall be designed to respond to their specific needs and problems as detainees. Separate structures and spaces for detention and rehabilitation shall be established.

ARTICLE II

Rape

Section 43. *When and How Rape is Committed.* Rape is committed.

1. By a man who shall have carnal knowledge of a woman under any of the following circumstances:
 - a. Through force threat or intimidation
 - b. When the offended party is deprived of reason or is otherwise unconscious;
 - c. By means of fraudulent machination or grave abuse of authority; and
 - d. When the party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above be present.

2. By any person who, under any of the circumstances mentioned in paragraph 1 hereof shall commit an act of sexual assault by inserting his penis into another person's mouth.

Section 44. *Penalty for the Crime of Rape.* Rapes under paragraph of the next preceding article shall be punished by reclusion perpetua.

Section 45. *Rape in Intimate Relations.* Intimate or martial relations shall not be a legal impediment to any complaint against acts of rape as provided in Section 43 of this Article. Further, marital relationship shall not serve as a legal impediment to the prosecution of rape where:

- a. spouses are legally separated; or
- b. there is separation in fact for at least six months.

Section 46. *Pardon and/or Marriage of the Offended Party with the Offender.* The marriage between the offender with the offended party shall extinguish the criminal action or remit the penalty imposed upon him.

In case it is the legal husband who is the offender, the subsequent forgiveness by the wife as the offended party shall extinguish the

criminal action or the penalty: Provided, that the crime shall be extinguished or the penalty shall not be abated if the marriage is void ab initio.

Section 47. *Who May File Complaint.* Rape may be filed by any of the following persons:

- a. the offended party;
- b. his/her parents or legal guardian.
- c. his/her grandparents or collateral relatives – next of kin who are not in the direct line of inheritance;
- d. the officer or social worker of the DSWD, or a duly-licensed child-caring institution, orphanage, home for the aged, mental hospital or other similar institutions under whose care or custody the offended party is committed, and
- e. a concerned, responsible resident of the barangay where the crime was committed, but only if any of the persons mentioned have expressly given their consent.

Section 48. *Support from Law Enforcers.* The law enforcer, preferably of the same sex or his/her authorized alternates as the offended party, upon receipt of a complaint of rape shall:

- a. immediately conduct an investigation within 24 hours;
- b. arrange for counseling and medical services for the offended party;
- c. gather evidence for the arrest and prosecution of the offender, and
- d. make a report of his/her 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 his/her evaluation of the case.

Section 49. *Investigation/Examination of Rape Survivors.* It shall be the duty of the investigation office or the examining physician, to ensure that only persons expressly authorized by the examining physician and/or rape survivor are allowed inside the room where the investigation or medical or physical examination is being conducted. The local government unit or city police director must provide a private room for investigation of such cases.

Section 50. *Suspension of Government Official or Employee.* The following steps shall be undertaken against a government official or employee charged with rape:

- a. the immediate preventive suspension for a period of sixty (60) days may be imposed upon any government official or employee charged with rape, provided that a verified complaint has been filed therefore; and
- b. the duty of the superior officer of respondent public official or employee to facilitate the free, speedy, and objective investigation of the complaint, and to ensure the protection of the complainant.

Any official having authority, influence or moral ascendancy over another person charged with rape who uses such influence to obstruct justice shall be penalized according to pertinent laws.

Section 51. *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 his or her 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.

ARTICLE III

Sexual Harassment and other Related Issues

Section 52. *Sexual Harassment.* Sexual harassment shall be unlawful in the employment, education or training environment as prescribed in RA 7877, otherwise known as the 'Anti-Sexual Harassment Act of 1995'. Related complaints shall be filed with the proper Court in accordance with the provisions of this Code. Sexual harassment committed by peers may also be subject to complaints.

Section 53. *Prohibition of Printing, Publication, Display and Distribution of Pornographic Scenes on Movie TV , Trailer/shows, Posters, Billboards, and Other Materials and Similar Literature.* Printing, publication, display and distribution of pornographic scenes in movie/TV, trailers/shows, posters, billboards, literature, and other visual materials which treat women as sex objects and commodities, shall be prohibited. Violation of this provision shall be subject to existing laws.

Section 54. *Pornographic and Indecent Shows.* Any person or agency which engages in shows depicting men and women as sex objects in private or public places shall be prosecuted under the Revised Penal Code, particularly under PD 969 or other appropriate law.

Section 55. *Live Shows.* It shall be unlawful to influence or force a woman to dance or make shows in public or private places for commercial or entertainment purposes. Penalty for violation of this provision shall be dependent upon existing laws.

Section 56. *Selling, Renting, Lending Pornographic Materials.* It shall be unlawful to sell or lend pornographic materials. Violators shall be subject to existing laws.

Section 57. *Fund Raising Initiatives.* All fund raising initiatives, whether in whole or in part, integrated in any raffle draw, benefit or disco dance, premier showing of movies, or any similar fund-raising undertakings where women are used as door prize, substitutes, for prizes won, companion packages for award prizes, or recognition, or any manner, activity, come-on display, or exhibition which depicts a woman as central, partial, or special focus in order to raise funds, shall be strictly prohibited. Violators of this provision shall be subjected to existing laws.

Section 58. *Domestic Violence.* Any person who shall commit any act constituting domestic violence shall be subject to existing laws. In every case of domestic violence as herein defined, any person who in good faith intervenes without using violence or restraint greater than necessary to ensure the safety of the victim, shall not be liable for any criminal or civil liability resulting therefrom.

Section 59. *Persons in Situations of Armed Conflict.* No person in areas of armed conflict shall be deprived of basic social services. No one shall be kept by any peace and order unit, military detachment/ police checkpoint or any analogous quarter for purposes of company. Violators shall be prosecuted in accordance with the Revised Penal Code.

Section 60. *Forced Marriages.* No one shall be forced to marry when he/she is not ready to assume responsibilities borne out of such marriage. Any person or agency committing fraudulent or coercive acts to cause and effect a forced marriage shall be held liable under the Revised Penal Code. However, the customs and traditions of indigenous peoples shall be taken into consideration and duly respected.

Section 61. *Conscientious Surveillance of Entertainment Establishments.* The GAD Commission, in coordination with law enforcement authorities, shall conduct conscientious surveillance of entertainment establishments existing in the Province that may exploit women.

Section 62. *Pedophilia.* Pedophilia which is under the Revised Penal Code shall have been committed:

- a. when the offender has had sexual intercourse with a boy or girl;
- b. when the offender has had anal intercourse with a boy or a girl.

Section 63. *Additional Penalties for Pedophiles* are as follows:

- a. payment of moral damages to the offended girl or boy or her/his parents;
- b. if the offender is an alien, deportation after serving his sentence and paying his civil liabilities; he shall also be barred from re-entering the Philippines.

Section 64. *Complaints of Pedophilia.* The same persons as enumerated under Section 47, Article II, Chapter II of this Code, shall file complaints against pedophilia acts.

CHAPTER III – FINAL PROVISION

Section 65. *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 to be in full force and effect.

Section 66. *Suppletory Clause.* On matters not provided for in this Code, any existing applicable laws and their corresponding implementing rules and regulations, issued therefore shall apply in supplemental manner.

Section 67. *Effectivity Clause.* This Code shall take effect upon compliance with the mandatory posting and publication requirements prescribed under Republic Act No. 7160, otherwise known as the Local Government Code of 1991.

“Enacted, February 14, 2002”

I hereby certify to the correctness of the above-quoted resolution.

(Sgd). GEOFFREY P. VILAHERMOSA
Board Secretary IV-OIC

(Sgd) JOSE A. BALDADO
Vice-Governor of Negros Oriental
Presiding Officer

ORIGINAL FOR GUBERNATORIAL APPROVAL:

(Sgd) GEORGE P. ARNAIZ
Governor of Negros Oriental

