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OFFICE OF THE SANGGUNIANG PANLALAWIGAN SECRETARY

CERTIFICATION

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that at the regular session duly constituted of the Sangguniang Panlalawigan, Province of Pangasinan, held on October 19, 2020 at Lingayen, Pangasinan, the following provincial ordinance was approved:

Authored by SP Member Rosary Gracia P. Perez-Tababa and co-authored by SP Members Margielou Orange D. Humilde-Verzosa, Sheila Marie S. Perez-Galicia and Jeremy Agerico B. Rosario

PROVINCIAL ORDINANCE NO. 244-2020

AN ORDINANCE ESTABLISHING A GENDER-BASED VIOLENCE AND RAPE CASES RESPONSE MECHANISM AND PROTOCOL IN HANDLING GENDER BASED VIOLENCE AND RAPE CASES IN THE PROVINCE OF PANGASINAN

WHEREAS, Article II Section 14 of the 1987 Philippine Constitution provides, that the state recognizes the role of women in nation-building, and shall ensure fundamental equality before the law of women and men;

WHEREAS, pursuant to Republic Act (RA) 9710, otherwise known as the Magna Carta of Women, is a comprehensive women's human rights law that seeks to eliminate discrimination against women by recognizing, protecting, fulfilling and promoting the rights of Filipino women, especially those in the marginalized sectors. Section 12 D, Rule IV of the Rules and Regulations Implementing the Magna Carta of Women provides for the establishment of a VAW desk in every barangay to ensure that violence against women cases are fully addressed in a gender-responsive manner;

WHEREAS, Under the Local Government Code or R.A No. 7160, the provision of services to women, children, youth and other sectors is within the auspices of the city and municipality, thus, this referral system is based in the city/municipality;

WHEREAS, pursuant to R.A No. 11313, otherwise known as the Safe Spaces Act, local government units bear the primary responsibility in ensuring the localization of systems and mechanisms to effectively respond to gender-based violence. This response mechanism shall include the establishment of a hotline to receive and record complaints and incidents as well as act as a referral mechanism for complainants;

WHEREAS, R.A No. 10175 or the Cybercrime Prevention Act enjoins local government units to support and participate in the creation of cybercrime prevention programs;



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WHEREAS, R.A No. 9208 or the Anti-Trafficking in Persons Act of 2003 mandates local government units to establish and implement preventive, protective and rehabilitative programs for trafficked persons, and to support initiatives which address trafficking in persons;

WHEREAS, R.A No. 9262 or the Anti-Violence Against Women and their Children Act of 2004 provides that the barangay shall have a barangay VAW desk who shall coordinate a one-stop help desk, and that this shall be open to provide 24-hour response;

WHEREAS, in compliance with R.A No. 9262, the Department of the Interior and Local Government (DILG), Department of Social Welfare and Development (DSWD), Department of Education (DepEd), Department of Health (DOH) and Philippine Commission on Women (PCW), issued a Joint Memorandum-Circular No. 2010-2 requiring all local government units to establish violence against women desk in every barangay;

WHEREAS, there is a need to improve public safety response services to incidents of violence against women, gender-based violence and rape cases by providing a clear command structure for responsibility and accessibility, and by encouraging and facilitating the prompt deployment of a seamless nationwide communication infrastructure for emergency services;

WHEREAS, there is a need to adapt modalities of interventions for Gender-Based Violence (GBV), Violence Against Women (VAW) and incidents of Rape as women and girls experience a distinct challenge as COVID-19 exacerbates already existing risks of Violence Against Women, Gender-Based Violence and Rape cases as confinement increase risks of violence, as well as worsened socio-economic situation within the household;

WHEREAS, the establishment of a response referral system provides for an intervention that will ease reporting, expedite investigation, and provide instant response and information on VAW, GBV and Rape Cases. It also raises the consciousness of the public in recognizing the dignity of women, ensuring support for victims, bringing perpetrators to justice and making a long-term plan to prevent violence in all forms;

Be it ordained by the Sangguniang Panlalawigan, Province of Pangasinan, in regular session assembled:

SECTION 1. TITLE - This Ordinance shall be known and cited as “An Ordinance Establishing a Gender-Based Violence and Rape Cases Response Mechanism and Protocol in Handling Gender Based Violence and Rape Cases in the Province of Pangasinan”.

SECTION 2. DEFINITION OF TERMS. - For the purpose of this ordinance, the following terms and phrases shall apply:

2.1 Gender-Based Violence (GBV) – refers to violence targeted towards a particular person because of their gender that causes or likely to cause another’s mental, emotional or psychological distress, and fear of personal safety, sexual harassment acts including unwanted sexual remarks and comments.



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2.2 Violence Against Women (VAW) – refers to any act of gender-based violence that results in, or is likely to result in physical, sexual, or psychological harm or suffering to women, including threats of such acts, coercion, or arbitrary deprivation of liberty, whether occurring in public or in private life. It shall be understood to encompass, but not limited to, the following:

2.2.1 Physical, sexual, psychological, and economic violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, and other traditional practices harmful to women, no spousal violence, and violence related to exploitation;

2.2.2 Physical, sexual, and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment, and intimidation at work, in educational institutions and elsewhere, trafficking in women, and prostitution; and

2.2.3 Physical, sexual, and psychological violence perpetrated or condoned by the State, wherever it occurs. It also includes acts of violence against women as defined in R.A No. 9208 and R.A No. 9262. Under the Magna Carta of Women, this term is used interchangeably with gender-based violence.

2.3. Rape- as defined by R.A No.8353 in connection with Article 266-A of the Revised Penal Code of the Philippines.

2.4 VAW Desk – a service–provision counter that would address VAW and Rape cases in a gender-responsive manner, managed by a person designated by the Punong Barangay. It is situated within the premises of the barangay hall. In the absence of a barangay hall, the VAW Desk shall be established within the premises where the Punong Barangay holds office.

2.5 VAW Hotline – a designated number institutionalized as the Province-wide Emergency Hotline Number to respond to cases of Gender-based Violence and Violence Against Women and their Children and Rape cases.

SECTION 3. SCOPE AND COVERAGE. -This ordinance shall be enforced within the jurisdiction of the Province of Pangasinan.

SECTION 4. ESTABLISHMENT OF VAW/GBV/RAPE DESK IN EVERY BARANGAY

4.1. Setting up the VAW/GBV/RAPE Desk – the Punong Barangay shall designate an area within the barangay hall for the VAW desk. S/he shall provide for the necessary furniture and fixtures such as, but not limited to, table, chairs, separate filing cabinet and log book for record-keeping of cases. Likewise, the punong barangay shall ensure the confidentiality of the case and privacy and safety of the victim-survivor.



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4.2. Designation of VAW/GBV/RAPE Desk person – the Punong Barangay shall designate a VAW Desk person who is trained in gender-sensitive handling of cases; preferably a woman barangay kagawad or woman barangay tanod. In cases where there are no trained personnel, ensure that the person assigned shall undergo basic gender sensitivity training and orientation on anti-VAW laws.

SECTION 5. FUNCTIONS OF THE BARANGAY VAW DESK. The Barangay VAW-GBV-RAPE Desk shall perform the following tasks:

- a. Respond to gender-based violence and rape cases brought to the barangay.
- b. Respond to gender-based violence and rape cases as referred by the Hotline.
- c. Record the number of gender-based violence and rape incidents are received by the desk, as well as the hotline, and submit a quarterly report on all cases of GBV and Rape to the City DILG Field Office and the Social Welfare Office;
- d. Keep VAWC and Rape case records confidential and secured and ensure that only the authorized personnel can access it;
- e. Assist victims of VAWC and Rape in securing the Barangay Protection Order and access necessary services as requested or needed;
- f. Join in the development of the gender-responsive plan for the barangay level in addressing GBV and Rape, including referral and support services, capacity building and reporting and response system;
- g. Coordinate with and refer to government agencies, non-government agencies (NGOs), institutions and other service providers as necessary;
- h. Provide expertise and information in the creation of city/municipality lead advocacies on the elimination of GBV, VAWC and RAPE in the community.

SECTION 6. PROTOCOL IN RESPONDING AND HANDLING VAWC, GBV and RAPE CASES. The following protocols shall be observed by the responding officer of the VAWC desk when responding to GBV, VAWC and RAPE Cases.

- A. For a VAW/GBV victim-survivor who approached the VAWC Desk or the victim-survivor herself goes to the barangay;
 1. Make the victim-survivors feel comfortable in a safe and private room by giving her privacy and other immediate needs as may be necessary;
 2. Get initial information to determine the risks at hand and if immediate medical attention is needed, facilitate the referral to the nearest medical facility;
 3. As soon as the victim-survivor has stabilized, conduct a gender-responsive, non-judgmental and respectful investigation in a language and manner understood by the victim-survivor;
 4. Inform the victim-survivor of their rights and remedies available, as well as the processes involved particularly in relation to the Barangay Protection Order (BPO).
 5. Assist the victim-survivor in filing the application if they decide to acquire a BPO;



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6. Record the incident using the national VAWC documentation system barangay form;
 7. If the victim-survivor desires to be in a safe shelter, seek the assistance of the other barangay officials, barangay tanod or the police in getting her belongings, and refer to a shelter or women's center or the City or Municipal Social Welfare Department;
 8. For VAWC cases Assist in the filing for a temporary protection order (TPO) or permanent protection order (PPO) with the nearest Family Court within 24 hours after issuance of the BPO, if the victim-survivor so desires they may directly for the TPO/PPO instead of a BPO;
 9. Report the incident within six (6) hours after receipt to the PNP and the City or Municipal Social Welfare Office.
- B. If the incident of VAWC is reported by another community member other than the VAWC victim-survivor;
1. Verify the information and if needed, seek assistance from the PNP;
 2. Assess the situation and facilitate the rescue of the victim-survivor when necessary to ensure their safety, and when applicable the safety of their children;
 3. Inform the victim-survivor of their rights and remedies available to them.
 4. Assist them in filing and application for a BPO, if they desire;
 5. Refer victim-survivor for medical care and temporary shelter and other needs when needed based on the assessment done;
 6. Record the incident using the national VAWC documentation system barangay form;
 7. If not done earlier, report the incident within six (6) hours to the PNP and the City's Social Welfare Department.
- C. For rape, trafficking in persons and other cases which do not fall under the jurisdiction of the barangay, assist the victim-survivor to file a complaint at the PNP Women and Children Protection Center or the National Bureau of Investigation (NBI).

SECTION 7. INSTITUTIONALIZING THE USE OF _____ AS A PROVINCE WIDE EMERGENCY HOTLINE NUMBER TO RESPOND TO GENDER-BASED VIOLENCE INCIDENTS. The number _____ is hereby institutionalized as the province emergency hotline number for gender-based violence incidents, which shall be available and responsive 24 hours a day.

This hotline shall serve as the mechanism, in coordination with the PNP MPS, PSWDO, Provincial Health Office (PHO), and other relevant agencies, with which survivors of gender-based violence and other concerned citizens may report complaints and incidents of GBV as defined under RA 11313 or the Safe Spaces Act.



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SECTION 8. PRIMARY SERVICE RESPONDERS OF GBV/RAPE HOTLINE. The primary service responders of the hotline shall be:

1. Philippine National Police - as the lead agency in providing police assistance in relation to public safety and crime prevention;
2. City/Municipal Social Welfare Development Office - as a response agency tasked to facilitate the access of victims to proper psychological counselling support services and other services. For this purpose, the LGU may refer the survivors to other service providers;
3. Provincial Health Center - as a response agency tasked to attend to survivors and cases of VAW, GBV and RAPE.

Support service agencies and providers shall also be tapped by the province to aid and support consistent with their respective mandates. Accredited non-government organizations (NGOs), hospital and medical institutions and facilities, public safety volunteers, and such other institutions and facilities may also be utilized in reference to their mandate.

SECTION 9. PROTOCOLS FOR HOTLINE RESPONSE. The following shall be the standard protocols to be maintained for the hotline response.

1. To create a safe environment for response, a protocol of confidentiality shall be observed when handling all calls received in the hotline. Information should be treated with utmost confidentiality. All callers should be reminded that all information received shall be handled with confidentiality as applicable in relation to the Data Privacy Act of 2012.
2. All calls received by the hotline must be documented using the National VAWC Documentation System Barangay Form. Barring information already present, additional information to be collected should include the required response per each caller, and information on the action taken (which includes but is not limited to referral to the PNP, referral to a hospital, referral to the PSWDO).
3. All calls received by the hotline must be received in a gender-sensitive manner which does not create a sense of danger or fear for the caller.

SECTION 10. INFORMATION DRIVE AND PROMOTION OF VAW HOTLINE. The City/Municipal Social Welfare Office shall promote the services of the VAW hotline number. To aid public recall of the number, it shall:

1. In coordination with the Office of the Mayor, require all municipal/city government offices to post the VAW hotline number in conspicuous areas;
2. In coordination with the Engineer's Office, put up billboards in conspicuous places within the province to promote the VAW hotline number;
3. In coordination with the Business Permits and Licenses Office, provide promotional material and require all existing establishments open to the public to post the VAW hotline number in conspicuous areas. Likewise, it shall, in coordination with the BPLO, provide promotional material and require all public conveyance vehicles such as tricycles, public utility jeepneys, vans, and buses to post the VAW hotline number, and to make this a requirement in applying for a license to operate; and



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4. In coordination with the Public Information Office, undertake an information campaign to maximize recall of the VAW hotline number among the public.

SECTION 11. REINFORCED STAFFING FOR VAW HOTLINE. Trained VAW Desk Personnel shall also be trained to receive complaints made to the hotline. Where they will be able to respond to calls and requests and are able to link community focal points such as the DSWD, PNP, or nearest public hospitals--whichever the incident may demand. The responder shall be trained to ensure safe disclosure and referral of the survivor, preferably female personnel.

SECTION 12. ESTABLISHMENT OF PROVINCIAL PROTECTION CENTERS FOR GBV/RAPE VICTIM-SURVIVORS. The Center shall be created under the PSWDO, which shall also act as the lead agency in its operations. The Center shall ensure that the needs of GBV/RAPE victim-survivors are fully addressed in a gender-responsive and non-judgmental manner.

- I. The Center shall provide the following, as may be appropriate:
 - i.a complete intervention and protection services for victim-survivors and their families, including medical, police, medico-legal, legal, and psychological services;
 - i.b ensure the safety and security of the victim-survivors;
 - i.c provide referrals to longer-term shelters for victim-survivors;
 - i.d provide referral for offenders and case management for rehabilitation of perpetrators of violence, abuse, and exploitation; and
 - i.e serve as a resource center on information about GBV in the province.
- II. The Center shall have the following facilities:
 - ii.a Reception area
 - ii.b Counselling / psychotherapy room
 - ii.c Medical / examination room
 - ii.d Records / database room
 - ii.e Rest and recreation area.

SECTION 13. MONITORING AND REPORTING. All VAW Desk Person in Charge within one month after the passage of the ordinance shall submit a report on the establishment of Barangay VAW Desk in their respective Barangay to the Office of the Sangguniang Bayan to the Office of Sangguniang Panlalawigan under the Committee on Family and Women Affairs and Provincial Social Welfare and Development Office.

Furthermore, all designated VAW Desk personnel in charge shall record and file all VAW Cases in their respective Barangay and Municipality/City and a Quarterly Report be likewise submitted to the above-mentioned office including the Action Taken and Status for each case. VAW case records should be treated with utmost confidentiality and security, and ensure that only authorized personnel can have access to it.



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The Business Permits and Licensing Office are authorized to conduct regular visitation and inspection of business establishments to ensure that the information dissemination component of this ordinance is met.

SECTION 14. APPROPRIATIONS. The appropriations for the implementation of this Ordinance shall be sourced and appropriated from the institutions' respective Gender and Development Budget (GAD Budget) such as for repairs, maintenance and materials acquisition. Respective agencies designated to provide service shall also allocate corresponding budget sourced from their agency programs.


The Provincial Government shall ensure the sustainability of the operation of the hotline and shall appropriate necessary funds for the operations of the VAW hotline which includes but is not limited to the operation of the hotline, salaries and training of personnel. The budget shall be disbursed only according to usual accounting and auditing procedures.

SECTION 15. REPEALING CLAUSE. All provisions of local ordinances, orders, and resolutions inconsistent herewith are hereby repealed and/or modified accordingly.

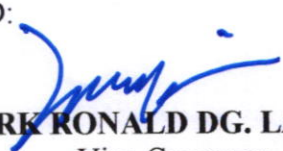
SECTION 16. SEPARABILITY CLAUSE. If for any reason any part of this ordinance shall be held unconstitutional or invalid, other parts hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 17. EFFECTIVITY. This ordinance shall take effect upon its approval.

CERTIFIED BY:


VERNA T. NAVA-PEREZ
Secretary to the Sanggunian

ATTESTED:


MARK RONALD DG. LAMBINO
Vice Governor
(Presiding Officer)

APPROVED:


AMADO I. ESPINO III
Governor