

**OFFICE OF THE SANGGUNIANG BAYAN**

Excerpts of the Minutes of the 36<sup>th</sup> Regular Session of the Sangguniang Bayan of Salay, Misamis Oriental, held at the SB Session Hall on 09 March 2020.

**Present:**

Hon. Rey Amelito K. Tan	-	Municipal Vice-Mayor Presiding Officer
Hon. Roy M. Rostata	-	SB Member
Hon. Dianne Jane L. Galamiton	-	SB Member
Hon. Glenn D. Zambrano, Sr.	-	SB Member
Hon. Imelda C. Deang	-	SB Member
Hon. Lorimer U. Mangay	-	SB Member
Hon. Ronald S. Cervantes	-	SB Member
Hon. Canesio G. Tagarda	-	SB Member
Hon. Jean Paul N. Redondo	-	ABC President
Hon. Tomas F. Cape, Jr.	-	SK Municipal Federation President

**Absent:**

Hon. Jacqueline C. Abejuela	-	SB Member
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**ORDINANCE NO. 19  
SERIES OF 2020**

**SPONSOR: HON. DIANNE JANE L. GALAMITON**

**“AN ORDINANCE ADOPTING THE PROVISIONS OF REPUBLIC ACT 7877, OTHERWISE KNOWN AS AN ACT DECLARING SEXUAL HARRASMENT UNLAWFUL IN THE EMPLOYMENT, EDUCATION OR TRAINING ENVIRONMENT AND FOR OTHER PURPOSES”**

**BE IT ENACTED BY THE SANGGUNIANG BAYAN OF SALAY, IN SESSION ASSEMBLED THAT:**

**SECTION 1. TITLE** – This Ordinance shall be known as the **“Anti-Sexual Harassment Ordinance of the Municipality of Salay, Misamis Oriental”**.

**SECTION 2. DECLARATION OF POLICY** – It shall be the policy of the Municipality to value the dignity of every individual, enhance the development of its human resources, guarantee full respect for human rights, and uphold the dignity of workers, employees, applicants for employment, students or those undergoing training, instruction or education. Towards this end, all forms of sexual harassment in the employment, education or training environment are hereby declared unlawful.

**SECTION 3. WORK, EDUCATION OR TRAINING-RELATED SEXUAL HARASSMENT DEFINED.** Work, education or training-related sexual harassment is committed by an employee, manager, supervisor, agent of the employer, teacher, instructor, professor, coach, trainor, or any other person who, having authority, influence or moral ascendancy over another in a work or training or

education environment, demands, requests or otherwise requires any sexual favor from the other, regardless of whether the demand, request or requirement for submission is accepted by the object of said act.

**(a) In a work-related or employment environment, sexual harassment is committed when:**

1. The sexual favor is made as a condition in the hiring or in the employment, re-employment or continued employment of said individual, or in granting said individual favorable compensation, terms, conditions, promotions, or privileges; or the refusal to grant the sexual favor results in limiting, segregating or classifying the employee which in a way would discriminate, deprive or diminish employment opportunities or otherwise adversely affect said employee;
2. The above acts would impair the employee's rights or privileges under existing labor laws; or
3. The above acts would result in an intimidating, hostile, or offensive environment for the employee.

**(b) In an education or training environment, sexual harassment is committed:**

1. Against one who is under the care, custody or supervision of the offender;
2. Against one whose education, training, apprenticeship or tutorship is entrusted to the offender;
3. When the sexual favor is made a condition to the giving of a passing grade, or the granting of honors and scholarships, or the payment of a stipend, allowance or other benefits, privileges, or considerations; or
4. When the sexual advances result in an intimidating, hostile or offensive environment for the student, trainee or apprentice. Any person who directs or induces another to commit any act of sexual harassment as herein defined, or who cooperates in the commission thereof by another without which it would not have been committed, shall also be held liable under this Ordinance.

**SECTION 4. DUTY OF THE EMPLOYER OR HEAD OF OFFICE IN A WORK-RELATED, EDUCATION OR TRAINING ENVIRONMENT.** It shall be the duty of the employer or the head of the work-related, educational or training environment or institution, to prevent or deter the commission of acts of sexual harassment and to provide the procedures for the resolution, settlement or prosecution of acts of sexual harassment. Towards this end, the employer or head of office shall:

- (a) Promulgate appropriate rules and regulations in consultation with the jointly approved by the employees or students or trainees, through their duly designated representatives, prescribing the procedure for the investigation or sexual harassment cases and the administrative sanctions therefor.

Administrative sanctions shall not be a bar to prosecution in the proper courts for unlawful acts of sexual harassment.

The said rules and regulations issued pursuant to this section (a) shall include, among others, guidelines on proper decorum in the workplace and educational or training institutions.

- (b) Create a committee on decorum and investigation of cases on sexual harassment. The committee shall conduct meetings, as the case may be, with other officers and employees, teachers, instructors, professors, coaches, trainers and students or trainees to increase understanding and prevent incidents of sexual harassment. It shall also conduct the investigation of the alleged cases constituting sexual harassment.

In the case of a work-related environment, the committee shall be composed of at least one (1) representative each from the management, the employees from the supervisory rank, and from the rank and file employees.

In the case of the educational or training institution, the committee shall be composed of at least one (1) representative from the administration, the trainers, teachers, instructors, professors or coaches and students or trainees, as the case maybe.

The employer or head of office, educational or training institution shall disseminate or post a copy of this ordinance for the information of all concerned.

**SECTION 5. LIABILITY OF THE EMPLOYER, HEAD OF OFFICE, EDUCATIONAL OR TRAINING INSTITUTION.** The employer or head of office, educational training institution shall be solidarily liable for damage arising from the acts of sexual harassment committed in the employment, education or training environment if the employer or head of office, educational or training institution is informed of such acts by the offended party and no immediate action is taken thereon.

**SECTION 6. INDEPENDENT ACTION FOR DAMAGES.** – Nothing in this Ordinance shall preclude the victim of work, education or training-related sexual harassment from instituting a separate and independent action for damages and other affirmative relief.

**SECTION 7. PENALTIES.** Any person who violates the provisions of this ordinance shall, upon conviction, be penalized by imprisonment of not less than one (1) month nor more than six (6) months, or a fine of not less than Two Thousand Five Hundred Pesos (P 2,500.00) or both such fine and imprisonment at the discretion of the court.

**SECTION 8. REPEALING CLAUSE.** All provisions of local ordinances, orders, resolutions inconsistent herewith are hereby repealed and/or modified accordingly.

**SECTION 9. 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 10. REPEALING CLAUSE.** Any or all ordinances, rules and regulations which are inconsistent or in conflict with the sections or provisions of this Ordinance are hereby repealed, revoked and modified accordingly.

**SECTION 11. EFFECTIVITY.** This Ordinance shall take effect immediately upon its approval.


**ENACTED:** 09 March 2020.

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I **HEREBY CERTIFY** to the correctness of the foregoing Ordinance which was duly enacted by the Sanggunian during its 36<sup>th</sup> Regular Session on 09 March 2020.

  
**FRANCISCA C. AGCOPRA**  
Administrative Aide IV

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

  
**HON. REY AMELITO K. TAN**  
Municipal Vice-Mayor  
Presiding Officer

**APPROVED:**

  
**HON. ANGELO G. CAPISTRANO, JR.**  
Municipal Mayor

**DATE APPROVED:** 3/27/20