



Republic of the Philippines
 Province of Cavite
OFFICE OF THE SANGGUNIANG PANLALAWIGAN
 Trece Martires City



EXCERPTS FROM THE MINUTES OF THE 7th REGULAR SESSION OF THE SANGGUNIANG PANLALAWIGAN OF CAVITE HELD ON 23 FEBRUARY 2009 AT SPC SESSION HALL, LEGISLATIVE BUILDING, CAPITOL COMPOUND, TRECE MARTIRES CITY

PRESENT:

Hon. Dencito P. Campaña	Vice-Governor/Presiding Officer
Hon. Luis T. Pagtakhan	Pro-Tempore
Hon. Cesario R. del Rosario, Jr.	Actg. Majority Floor Leader
Hon. Lope D. Tepora	Minority Floor Leader
Hon. Restituto T. Enriquez	Asst. Minority Floor Leader
Hon. Alex L. Advincula	Sanggunian Member
Hon. Arleen C. Arayata	Sanggunian Member
Hon. Recto M. Cantimbuhan	Sanggunian Member
Hon. Raymundo A. del Rosario	Sanggunian Member
Hon. Virgilio T. Ambion	Sanggunian Member
Hon. Remigio G. Dilag	SB Prov'l. Fed. President
Hon. Cecilia D. Miranda	ABC Prov'l Fed. President
Hon. Juan Miguel C. Ilano	SK Prov'l. Fed. President

SICK LEAVE:

Hon. Eileen R. Beratio	Majority Floor Leader
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RESOLUTION NO. 91-S-2009

WHEREAS, the government has state obligations and commitments to respect human rights, recognize women's role in nation building and ensure their equality with men before the law, as embodied in the 1987 Philippine Constitution and other existing national laws;

WHEREAS, the Provincial Government of Cavite, consistent with these fundamental principles, must formulate policies and undertake programs addressing gender equalities;

WHEREAS, a blueprint policy for women's empowerment and gender equality, which mandates the implementation and monitoring of comprehensive and integrated approaches, including penalties, to address the present gender issues and concerns, is necessary;

WHEREFORE, there is a need to enact an ordinance to this effect;

NOW, THEREFORE, on motion of Hon. Cesario R. Del Rosario, Jr., duly seconded by all the members present, be it enacted by the Sangguniang Panlalawigan of Cavite in session assembled that:



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PROVINCIAL ORDINANCE NO. 09-001

**AN ORDINANCE PROVIDING FOR THE GENDER AND DEVELOPMENT
CODE
OF THE PROVINCE OF CAVITE, AND FOR OTHER PURPOSES**

Sponsored by:

HON. ARLEEN C. ARAYATA

Chairperson, Committee on Women, Family and Social Services

Co-sponsored by:

**HON. EILEEN R. BERATIO, HON. CECILIA D. MIRANDA,
HON. LOPE D. TEPORA, HON. ALEX L. ADVINCULA
HON. JUAN MIGUEL C. ILANO AND HON. VIRGILIO T. AMBION**

**CHAPTER I
GENERAL PROVISIONS**

**ARTICLE I
TITLE, POLICY and DEFINITION of TERMS**

Section 1. Short Title. This Ordinance shall be known and cited as the "GAD Code of the Province of Cavite", hereinafter referred to as the Code.

Section 2. Statement of General Policy. The Code is a concrete manifestation of the Provincial Government's strong adherence to the democratic tenet that men and women in a civil society are equal. This significant initiative is aimed at mainstreaming women's concern, ensure the fundamental equality before the law of men and women, open a wider arena for their active participatory role in the development process, and provide women's rights and opportunities equal to that of men.

Moreover, it shall be the policy of the Provincial Government of Cavite to uphold the rights of women and the belief in their worth and dignity as human beings. Women shall be recognized as full and equal partners of men in development and nation building and men shall share equally with all forms of productive and reproductive activities.

The Local Government of Cavite shall actively contribute to the establishment of a national and international economic order based on sustained, equitable growth and balanced ecology. And that any development effort it undertakes should enhance women's full potentials, uplift their status and lead to the improvement of their quality of lives, their families and that of their communities.

Towards this end, the Provincial Government of Cavite shall pursue and implement vigorously gender responsive development policies, design an integrated gender and development support systems, taking into consideration women's immediate economic survival with support for their effort of empowerment and self-determination, and to adopt and implement measures to protect and promote their rights. A policy direction will be provided to formulate programs and strategies, among others, that will:



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- a) Mainstream gender concerns in sectoral development plan, policies, and programs;
- b) Intensify awareness campaign on gender issues and concerns;
- c) Strengthen GO-PO-NGO partnership to maximize the effectiveness of programs and services addressing Gender and Development (GAD) concerns;
- d) Encourage, support and expand the participation of grassroots women in the planning, implementation, monitoring and evaluation of development programs and projects;
- e) Recommend appropriate curricula at all academic levels that are gender sensitive;
- f) Provide gender-responsive relief and rehabilitation programs with special focus on women and children's needs;
- g) Involve men in family planning programs, health and child care and nutrition concerns and engage them in projects that enhance the well-being of the family;
- h) Set-up crisis intervention centers and shelters in the Province of Cavite for survivors of violence against women and children;
- i) Promote gender sensitivity in local media and advertising agencies;
- j) Increase the members of women in decision and policy-making posts in the locality through implementation of capability building programs; and
- k) Establish the necessary mechanism to enable women to participate in development programs and gain access to non-traditional sources of livelihood, credit financing, productive skills and labor-saving technologies.

Section 3. Declaration of Policies. Rights of women are recognized in the 1987 Philippine Constitution, Women in Development and Nation-Building Act (RA 7192), Anti-Violence Against Women and Their Children Act (RA 9263), Anti-Trafficking in Persons Act (RA 9028), Anti-Sexual Harassment Law (RA 7877), Anti-Rape Law (RA 8353) and those that are defined and declared by the United Nations under the Convention of the Elimination of Discrimination Against Women (CEDAW), which 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, freedom, sexuality or individuality.



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- 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 with 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 rearing and caring for 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 conditions.
- i) Women have the right to nurture 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.
- j) Women have the right to equality before the law in principle as well as in practice.

Section 4. Definition of Terms. The following terms or phrases used in this Code shall mean as follows:

1. **Battering** - a series of physical, emotional and psychological abuse. It is a repeated and habitual cyclic pattern as means of intimidation and imposition of the batterer's will control over the survivor's life. It constitutes the following kinds of battering behaviour:

- a) Sexual battering - this includes physical attacks on the women's breast/genital of forced sexual activity, accompanied by either physical violence or the threat of physical violence.

Psychological battering – this includes threats of suicide, violence against the woman of her family, punching holes in walls, threatening to take the children away, threatening deportation of wives with foreign citizenship, threatening to kidnap children or take them to a foreign country and forcing the victim to do degrading things. It may also include controlling the victim's lawful or usual activities, the use of foul words or statement and threats or abandonment and expulsion (forcing the wives to leave the conjugal dwelling).



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The provision shall likewise apply to common-law relations but does not include adulterous ones as contemplated in the Revised Penal Code.

- b) **Economic Battering** – this includes deprivation of women of economic resources, their generation and mobilization so as to create dependency and submissiveness to men and to any established structures of domination.
- c) **Premeditated and intentional destruction of property and pets usually the victim's favorite.**
2. **Benefit Dance/Disco** – refers to a dance in the locality where women are commodified for fund raising purposes.
3. **Collateral Relatives** – next of kin who are not in the direct line or inheritance such as cousin.
4. **Commodification of Women** – is a practice which puts women in a subordinate situation which results in the treatment of women as both consumers and objects of consumption. As consumers, women are allured to buy beauty products to enhance their physical attractiveness. As objects of consumption, women are reduced to a sexual commodity.
5. **Differently-abled Persons** – are survivors of physical impairments that have differential needs and potentials.
6. **Discrimination Against Women** - any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status.
7. **Feminization of Poverty** – a condition when gap between the rich and the poor widens and grassroots women bear the brunt as in economic instability and unequal distribution of wealth. Such gap reinforces non-response to both practical and strategic needs of grassroots women.
8. **Fund-raising Initiatives** – refer to any activity, 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 donor prize, substitute for cash prizes won, a companion package for an award, prize or recognition, or any manner, activity, come-on display, or exhibit which depicts a woman as central, partial, or special focus in order to raise funds.
9. **Gender** – set of characteristics, roles, expectations attributed to women and men by society.



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10. **Gender and Development (GAD)** – refers 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 and innovative initiatives which help transform unequal gender relations into opportunities which are equal/equitable to both men and women.
11. **Gender Equality** – is the role required or expected of women and men as prescribed by society.
12. **Gender Mainstreaming** – strategy of integrating gender and development concerns and issues at all levels of government undertaking.
13. **Gender Perspective** – way of viewing issues and problems that take into consideration the different realities of women's and men's lives, and recognizing that there is an unequal relationship between the two.
14. **Gender-Sensitive** – having an understanding of the marginalized position of women and consciously challenging the attitudes and behavior that reinforce women's subordinate status.
15. **Gender Sensitization** – is an experiential and critical process of learning and unlearning by an individual, female or male, of the causes and effects of the culturally determined roles of women and men.
16. **Indecent Shows** – are shows which include nude or other provocative gestures which further project and exhibit men and women as sex objects.
17. **Land-based Projects** – are activities designed systematically in order to provide women the opportunity to have full access and control over the maximum utilization of land and other indigenous resources.
18. **Minors** – refer to persons below eighteen (18) years of age and persons eighteen (18) years of age but are mentally incapacitated and unable to fully take care of themselves from abuse, neglect, cruelty, exploitation or discrimination.
19. **Places of Amusement** – include theatres, cinemas, concert halls, circuses and other places of amusement where one seeks to admission to entertain oneself by seeing or viewing the show or performances.



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- 20. **Other Places of Amusement** – include all other places or amusement not specifically enumerated or otherwise provided in this Code, including but not limited to night clubs or day clubs, cocktail lounges, super or family clubs, disco houses, videoke or sing-along houses, bars or beer houses/garden, fast food centers showing sports competitions, replay shows by direct hook up via satellite or those showing video films/movies, and other places of amusement where one seeks admission to entertain himself whether by seeing or viewing or by direct participation.
- 21. **Pornography** – written, graphic or other forms of communications intended to excite lascivious feelings
- 22. **Prostitution** – is the sale, purchase and exchange of women and minors for sexual exploitation, cash profit or other economic considerations by an individual, including but not limited to the pimp, procurer of the service, parents, owners of establishments, such as disco, bars, sauna bath, massage clinics, hotels and restaurants, and any other person who use various schemes to prostitute women and minors.
- 23. **Psychological Program** – an intervention using a system approach to conditions of women as it views women's differentiated needs in a social context.
- 24. **Reproductive Health** – 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 to its function and process. It constitutes ten (10) elements, namely:
 - a) Maternal and Child Health and Nutrition
 - b) Family Planning
 - c) Prevention and treatment of Reproductive Tract Infection including STDs, HIV and AIDS
 - d) Prevention and Management of Abortion Complications
 - e) Education and Counselling on Sexuality and Sexual Health
 - f) Breast and Reproductive Tract Cancers and Other Gynecological Conditions
 - g) Prevention and Treatment of Infertility and Sexual Disorders
 - h) Men's Reproductive Health
 - i) Violence Against Women
- 25. **Sexual Harassment** – is a form of misconduct involving an act of or a series of unwelcome sexual advances, request for sexual favors, or other verbal or physical behavior of a sexual nature, made directly, indirectly or implied.



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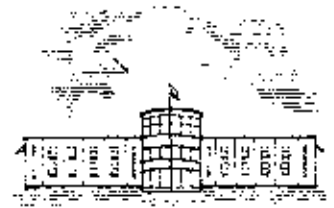
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26. **Sexuality** – is one's total expression of personhood on the basis of self-appreciation (body, mind, and feeling) and satisfaction of needs. Also considered as physical expression of intimate relationship with others through various life stages.
27. **Sex Trafficking** – is a covert or overt recruitment of men, women, and children into the sex trade industry. It includes new forms of sexual exploitation such as sex tourism, the recruitment of domestic labor to work in developed countries, and organized marriages between women from third world countries and foreign nationals. It is then considered as a system in which men, women and children are movable properties and objects of exchange.
28. **Violence Against Women** – 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 act, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.
29. **Violence Against Women shall include, but not limited to:**
- a) Physical, sexual and psychological violence occurring in the family and other close relationships, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation.
 - b) 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 forced prostitution.
 - c) Physical, sexual and psychological violence perpetuated or condoned by the State, wherever it occurs.
 - d) Other acts of violence against women including:
 - Violation of the human rights of women in situation or armed-conflict, in particular murder, systematic rape, sexual slavery and forced pregnancy
 - Forced sterilization and forced abortion, coercive/forced use of contraceptives, prenatal sex selection and female infanticide
 - Feminization of poverty
30. **Women as Sex Objects** – a condition when women became things or properties to be manipulated, utilized or used for one's sexual desire or interest, usually in exchange of money or goods where women have no control or power to reject such utilization or use.

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ARTICLE II
DEVELOPMENT AREAS AND GENDER AND DEVELOPMENT
PROGRAMS AND SERVICES

Section 5. Education. The Provincial Government of Cavite, in cooperation with the Department of Education, shall implement the following programs and services addressing gender issues in education:

- a. **Gender Sensitivity Orientation and Training.** All schools, offices, establishments or companies, departments and agencies within the Province of Cavite shall be provided with gender sensitivity orientation and training to equip them with theoretical and practical knowledge on gender issues and concerns. Likewise, all establishments, schools, colleges and universities shall develop assessment tools for gender biases.
- b. **Education on National Policies.** Women and men shall undertake education on national policies and their implications on women and family.
- c. **Special Classes.** In cooperation with the Department of Education, Alternative Learning System (ALS) classes for all shall be held in identified schools in the Province to facilitate working person's access to education.
- d. **Promotion of Gender-Sensitive Curricula.** The schools and other concerned agencies within the Province of Cavite shall promote gender-sensitive counselling and career education programs to encourage anyone to pursue academic and technical courses to widen their career opportunities.
- e. **Adult Education.** Anyone desiring to engage in functional and practical education shall be enlisted in adult education program which shall be set up in all municipalities/cities in the Province.
- f. **Scholarship Grant.** The Provincial Government shall institutionalize its scholarship program for the poor but deserving students.
- g. **Sex Education.** Sex Education for the pre-puberty ages shall be introduced in the right way, at the right place by the right people. Understanding human sexuality is an intimate and personal matter not only of parents but also other concerned institution that have the competence to carry out such obligation of molding their children in the context of Godly Life and Love.



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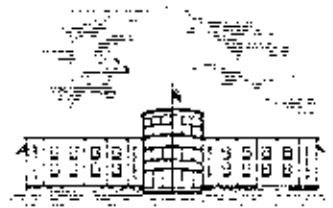
- h. Early Childhood Care and Development (ECCD) Programs.** The Provincial Government of Cavite shall ensure that ECCD are set up in every barangay.
- i. Popularization of Gender-Fair Materials.** There shall be an active promotion and publication of gender-fair materials in popular forms in the province which shall include, among others, gender-related studies, researches and documentation of best practices.

SECTION 6. Health. The following health programs and services shall be implemented by the Provincial Government of Cavite:

- a. Upgrading of Health Care Delivery System.** Quality health care and services that are not discriminatory on account of their gender, age sex, creed religion and ethnicity shall be implemented.
- b. Reproductive Health Care Delivery.** The Provincial Government shall adopt the reproductive health (RH) care approach at all levels of health care delivery. Such approach integrates many issues not previously considered central to population: sexuality, reproductive tract infection, gender power relations domestic violence and shall not be limited to family planning and child bearing.
- c. Women's Right Over Their Bodies.** Women's decision to prevent and control pregnancy without necessarily resulting to abortion shall be given appropriate support and guidance by health professionals, private and public at very minimal cost.
- d. Primary Health Care Delivery.** In consonance with the Department of Health's thrust, the Provincial Government of Cavite shall strengthen the Primary Health Care Delivery in the context of maternal and child health.
- e. Access To Safe Water.** All barangays in the Province shall provide easy access to safe water supply. Appropriate water system shall be installed, if possible right at their tap, to ease women's workload as well as minimize women and children fetching water for household use.
- f. Medical Routine Check-Up.** Women in the entertainment industry shall be afforded by their respective employers with medical routine check-up and medicines if needed.



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SECTION 7. Labor, Employment and Cooperatives. Programs and services concerning labor, employment and cooperatives shall be implemented by the Provincial Government:

- a. **Equal Access to Employment, Training and Promotion.** No one shall be denied of employment opportunity on account of gender, age, ethnicity, creed, religion and civil status as prescribed in the Labor Code, as amended by RA 6725. Likewise, no one shall be denied of training and promotion in employment. All employers/locators within the province shall be encouraged to observe this mandate.
- b. **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.
- c. **Facilities and Support Systems For Women Employees.** The Provincial Government of Cavite shall ensure the safety and health of women employees. In appropriate cases, employers may:
 1. Establish separate toilet rooms, lavatories and lounge for men and women and provide at least a dressing room for women.
 2. Establish Homecare Center in the workplace to temporarily cater breastfeeding, child rearing and early childhood care for working parents while on their respective job.
- d. **Orientation on Sexual Harassment.** All local offices, school, agencies and establishments or companies, government and private, in Cavite Province shall conduct or sponsor orientation on sexual harassment to their respective personnel.
- e. **Setting-Up of Grievance Machinery.** A grievance committee shall be set up in all local offices, agencies, establishments or companies to act on complaints related to sexual harassment. For this purpose, a grievance procedure must be installed in every agency, office or establishment.
- f. **Gender-Sensitive Physical 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 workplaces.
- g. **Employment Assistance Program.** The Provincial Government, in cooperation with the Department of Labor and Employment, shall endeavor to assist poor students, the unemployed and the underemployed in securing gainful employment.



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- h. **Municipal/City-Based Registration of Househelpers.** All Municipal/City Governments in the province shall come up with an annual survey of domestic helpers in their barangays to monitor cases of sexual harassment, sexual abuse and other forms of maltreatment. Households shall be required to enlist their househelpers for identification and for other purposes. Employers must provide their househelpers recreation/day-off at terms and conditions mutually agreed by both parties concerned.
- i. **Promotion of Cooperatives.** As the Cooperative Capital of the Philippines, the Provincial Government of Cavite shall ensure that women and men are given equal opportunities and assistance in the setting up of cooperatives.
- j. **Training on Non-Traditional Occupation.** Women shall be given opportunity to acquire training on non-traditional occupation as those related to science and technologies.

SECTION 8. Violence Against Women.

- a. **Support To Women-Survivors of Violence.** The Provincial Government shall provide necessary support to women-survivors of violence. Women and children who were survivors of all forms of violence shall be registered in the psychological program which shall be carried out by the Provincial Social Welfare and Development Office.
- b. **Women and Children's Desk (WCDs).** The Provincial Government, through the Cavite-PNP, shall establish and maintain the WCDs preferably handled by Women Police Officers duly trained by GAD Council. All police stations in the province shall have WCDs to specifically handle concerns of women and children. All police stations in the Province shall have separate WCD room within the police station.
- c. **Court Hearing of Rape Cases, Incest and Other Forms of Violence Against Women and Children.** All investigations/hearings involving rape cases and other forms of violence against women and children conducted in the police stations, prosecutor's office and trial courts, shall recognize and allow the survivor's support group to be present in the court room as observers and to provide moral support to the survivors subject of litigation.
- d. **Crisis Intervention Center.** A Crisis Intervention Center is hereby established to serve as a facility with appropriate support services for women and children in crisis.



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- e. **Bahay-Pagasa** – support facility for children in conflict with the law.
- f. **Child Minding Center**- support facility for working parents and employees of the Provincial Government.

SECTION 9. Socio-Economic Services

- a. **Capital Assistance for Women.** All Local Government departments and agencies engaged in socio-economic programs shall increase their capital assistance and/or subsidy to women especially on land-based projects using community bank approach.
- b. **Land for Women-Headed Households and Landless Families.** Idle lands shall be distributed to qualified women-headed households landless families interested and committed to till the land upon execution of a Memorandum of Agreement between the parties concerned. Ownership of such land shall be granted to women-headed households and landless families after ten year of continuous tillage. Support services shall be delivered by the Provincial Government and other agencies as part of the Memorandum of Agreement.
- c. **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 instilling collectivism.
- d. **Access to Science and Women-Friendly Alternative Technology Education.** The Provincial Agriculture Office, in cooperation with the Department of Science and Technology and other related agencies, shall establish a science and women-friendly technology center for rural women in each municipality/city.
- e. **Support Services for Women in the Entertainment Industry.** The Provincial Government shall provide socio-economic support services for women in the entertainment industry in its desire to concretely respond to their practical needs.
- f. **Banks, Financial Institutions and Cooperatives Support System.** All banks, financial institutions and cooperatives are encouraged to open special windows for lending to women including young women who lack access to traditional sources of collateral. This process ensures and protects the economic growth of women.



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SECTION 10. Special Group of Citizens

- a. **Special Education for Differently-Abled Persons.** There shall be a special education school for differently-abled persons in the Province which shall offer appropriate technology curricula.
- b. **Advocacy on Differently-Abled Person's Rights.** Active advocacy on the rights of differently-abled persons shall be conducted by the Integrated Population, Gender and Development Office.
- c. **Creative Employment Opportunities for Differently-Abled Persons.** The Provincial Government shall develop creative employment opportunities for differently-abled persons recognizing their differentiated conditions and full potentials as human beings.
- d. **Reporting of Cases of Harassment Committed Against Differently-Abled Persons.** The Provincial Government, through its Gender and Development Council, shall require all municipal/city governments to monitor and report cases of harassment committed against differently-abled persons.
- e. **Support Funds for the Senior Citizens.** Funds shall be allocated for livelihood assistance, routine physical check-up, social group work programs and other appropriate socio-economic activities for senior citizens.
- f. **Support to Persons in Detention.** Rights of all detainees shall be protected. a) Speedy trial of their cases shall be ensured by all concerned; b) An appropriate program shall be designed to respond to their specific needs and problems as detainees; c) Separate structure and space for detention and rehabilitation shall be established.

SECTION 11. Political and Public Sphere of Women, Children, Senior Citizens and Differently-Abled Persons

- a. **Declaration of March 8 as Women's Day.** As declared by the United Nations, March 8 shall be observed as Women's Day through an issuance of an Executive Order by the Provincial Governor. There shall be a municipal-level/city-level set of activities for women to increase their awareness and critical consciousness on the issues affecting them.
- b. **Women's Summit.** A Women's Summit shall be held at least once every year which shall be convened and managed by the Provincial Gender and Development Council.



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- c. **International Day of Action for Women's Health.** The Provincial Government of Cavite 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, projected and government action sought.
- d. **National Children's Month.** Pursuant to Proclamation No. 267, dated September 30, 1993, the Province of Cavite shall observe the month of October as National Children's Month and undertake projects in the observance therefore.
- e. **Municipal/City Level Self-Organization of Women.** Self-organization of women shall be recognized at the municipal/city-level to include organizations of young women.
- f. **Creation of District Council for Women.** A Council for Women shall be organized at a legislative district from among the municipal/city level women organizations existing in the District.
 - a. Women organizations with mass membership at the community level shall likewise be represented at the Council for Women. Women groups in school, offices whether GO, PO or NGO shall be represented in the council as a cluster. Details of the Council's operation shall be stipulated in the Implementing Rules and Regulations of this Code.
- g. **Representation of Women in Local Special Bodies.** The Provincial Government of Cavite shall ensure that women are duly represented in the Provincial Development Council and all local special bodies in the Provincial, City, Municipal and Barangay level to strengthen government recognition of women's potential in the formulation and planning of local development programs.

CHAPTER II - MECHANISMS FOR IMPLEMENTATION AND MONITORING

ARTICLE I PROVINCIAL GENDER AND DEVELOPMENT COUNCIL

SECTION 12. Creation of GAD Council. By virtue of Executive Order No. 108, issued by the Provincial Governor in December 2007, the Provincial Gender and Development Council (GAD) is hereby reorganized.

SECTION 13. Powers and Duties. The Council shall perform the following powers and duties that shall ensure the promotion of the welfare of women, children and family:



- a. Formulate annual Integrated Gender and Development Plans and Policies and develop a comprehensive gender development programs responsive to the needs and situation of the above sector of the province, and identify the problems, projects and activities that will uplift their conditions;
- b. Promote and support the establishment of consultative mechanisms which shall provide for a continuing dialogue on GAD issues and concerns;
- c. Recommend the adoption of appropriate policies and enactment of ordinances and resolutions that will enhance and strengthen the capabilities of women, children and family;
- d. Work in collaboration with the government agencies, non-government organizations, government-initiated organizations, people's organizations, institutions and private individuals to ensure the mainstreaming of gender in all development efforts.

SECTION 14. Committees. To effectively carry out the functions of the GAD Council and to ensure that the provisions of this Code are strictly implemented, the following committees are hereby created:

- a. **Provincial Media Monitoring Board.** There shall be created the Provincial Media Monitoring Board for print, broadcast and multi-media, to include movie houses, video shops, electronic communications, cable televisions, books, and other forms of audio-visual channels or instruments, to monitor and initiate filing of appropriate cases against activities degrading men and women.
- b. **Inter-Agency Committee Against Gender Trafficking.** An Inter-Agency Committee against gender trafficking shall be established in the Province of Cavite with the following powers and functions:
 1. Formulate a comprehensive program to suppress the trafficking of men, women and children;
 2. Conduct massive information campaigns;
 3. Undertake guidance and counselling for women going abroad as fiancées of foreign nationals;
 4. Make representations to schools and universities for the inclusion of migration and its implications for all in all levels or curricula;
 5. Refer survivors of human trafficking to appropriate agencies;
 6. Formulate a program for returning survivors in cooperation with local officers of DOLE, TESDA, and other government agencies involved in training and livelihood development;
 7. Secure assistance from any of the local government units, departments or bureaus of the national government;
 8. Exercise other powers and functions necessary to attain its purpose and objectives.

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SECTION 15. Other Committees. In support to the GAD Council, the following committees are likewise established and strengthened:

- a. **The Family Disputes and Violence Committee.** All Barangay Governments in the province shall create the Family Disputes and Violence Committee under the Lupong Tagapamayapa to handle cases on family disputes.
- b. **Lupong Tagapamayapa.** A special para-legal training for Lupong Tagapamayapa shall be conducted along gender questions and related matters.
- c. **Committee on Differently-Abled Persons.** Each municipality/city shall create a committee on differently-abled persons under the Municipal/City Development Council to advance the interest of this special group of citizens.
- d. **Committee on Senior Citizens.** The Provincial Government shall create and support a Committee on Senior Citizens under the Provincial Development Council in order to advance the interests of this special group of citizens.

CHAPTER III – MISCELLANEOUS AND PENAL PROVISIONS

ARTICLE I VIOLENCE AGAINST WOMEN AND CHILDREN

Section 16. Sex Trafficking. It is unlawful:

- a) For any person, association, cult, religion or organization or similar entities to commit the following acts:
 1. 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.
 2. Advertise, publish, print or distribute, or cause the advertisement, publication, printing and distribution of any brochure, flyer or propaganda material calculated to promote the abovementioned prohibited acts.
 3. 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 or through personal introduction or cyberspace.
 4. Use the postal services, cyberspace or satellite TV to promote the abovementioned prohibited acts.

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- b) To buy or sell a women, or any of her body parts.
- c) To act as a procurer of a sex-worker.
- d) To threaten or use violence and force a woman to become a mail-order bride.

Penalty for the commission of these acts shall be dependent on the prevailing pertinent laws and regulations.

Section 17. Other Forms of Trafficking of Women. Any person or agency who encourages, influences or recruits a woman to work abroad or locally for a particular job on a promise of a fee, instead, forced and deceived to engage in prostitution, domestic help or other odd jobs shall be penalized by an imprisonment of one year or a fine of P 5,000.00, or both, at the discretion of the court. Persons liable thereof may also be prosecuted and penalized in accordance with RA 6955, an act which outlaws the practice of matching Filipino women for marriage to foreign nationals on mail-order basis.

ARTICLE II
RAPE

Section 18. When and How Rape is Committed. 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 (Article 335, evised Penal Code as amended by RA No. 7659)

Section 19. Penalty for the Crime of Rape. Republic Act No. 7659 provides that the crime of rape shall be punished by reclusion perpetua.

However, the penalty of death shall be imposed if the crime of rape is committed with any of the following circumstances:

- a) When by reason or on the occasion of the rape, the victim has become insane;
- b) When by reason or on the occasion of the rape, a homicide is committed;
- c) When the victim is under eighteen (18) years of age and the offender is a parent, ascendant, step-parent, guardian, relative by consanguinity and affinity within the third civil degree, or the common-law spouse of the parent of the victim;
- d) When the victim is under the custody of the police or military authorities;



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- e) When the rape is committed in full view of the husband, parent, any of the children of other relatives within the third degree of consanguinity;
- f) When the victim is a child below seven (7) years old;
- g) When the offender knows that he is affected with Acquired Immune Deficiency Syndrome (AIDS) disease;
- h) When committed by any member of the Armed Forces of the Philippines or the Philippine National Police or any law enforcement agency;
- i) When by reason or on the occasion of the rape, the victim has suffered permanent physical mutilation.

Section 20. Rape in Intimate Relations. Intimate or marital relations shall not be a legal impediment to any complaint against acts of rape as provided in Section 82 of this Article. Further, marital relationship shall not serve as a legal impediment to the prosecution of rape where spouses are legally separated or there is a separation in fact for at least six months.

Section 21. Pardon and/or Marriage of the Offended Party with the Offender. The marriage of the offender with the offended party shall extinguish the criminal action or remit the penalty already imposed upon him. The provision of this paragraph shall also be applicable to the co-principals, accomplices and accessories after the fact of the crime of rape.

Section 22. Who May File Complaint. Complaint for 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;
- d) The officer or social worker of the DSWD, or of a duly-licensed child-caring institution, orphanage, home for the aged, mental hospital or other similar institutions 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 23. Support from Law Enforcer. The law enforce, preferably of the same sex or his/her authorized alternate as the offended party, upon receipt of a complaint for rape, shall:

- a) Immediately conduct an investigation within 24 hours;
- b) Arrange for counselling and medical services for the offended party;
- c) Gather evidence for the arrest and prosecution of the offender; and



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- 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 24. Investigation/Examination of Rape Survivors. It shall be the duty of the investigating 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. Local government unit/Police Provincial Director must provide private room for investigation of such cases.

Section 25. Suspension of Government Official and Employees. The following steps shall be undertaken against government official or employee charged of rape.

- a) The immediate preventive suspension for a period of sixty (60) days may be imposed upon any official or employee charged of rape, provided that a verified complaint had been filed therefor; 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 of rape shall be fined P 5,000.00 for non-compliance of this provision.

Section 26. 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.



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ARTICLE III
SEXUAL HARASSMENT

Section 27. "Beauty" Contest. Beauty contests which commodify, abuse, humiliate and treat men and women as sex objects shall be strictly prohibited in schools, communities, barangays, municipalities, cities and by the Provincial Government in connection with the special celebration, but in their stead, the projection of women's strengths and potentials, especially with regard to indigenous and culturally relevant forms.

Organizers of the beauty contest violating this provision shall be subject to a penalty consisting of the following:

- a) For business organizations: a) cancellation of business permit; b) fine of P 5,000.00; c) others, as prescribed in the implementing rules and regulations of this Code.
- b) For representatives of agencies, departments, or the local government units: a) suspension for one month without pay; b) Fine of P 5,000.00; c) others, as prescribed in the implementing rules and regulation of this Code.

Section 28. Prohibition of Printing, Publication, Display and Distribution of Pornographic Scenes on Movie/TV, Trailers/Shows, Posters, Billboards, and Other Materials and Similar Literature. Printing, publication, display and distribution of pornographic scenes on 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 pursuant to Presidential Decree 960 and 969 provisions is subject a penalty of one year imprisonment or a fine of P5,000.00 or both and for a juridical entity, cancellation of business permit and a fine of P 5,000.00.

Section 29. Pomographic and Indecent Shows. Any person or agency which engages in shows depicting men and women as sex objects in private or public place or under scandalous circumstances shall be prosecuted under the Revised Penal Code, particularly under PD 969 or other appropriate law.

Section 30. Live Shows. It shall be unlawful to influence or force a woman to dance or do naked shows in public or private places for commercial or entertainment purposes. A penalty of one year imprisonment and a fine of P5,000.00 shall be imposed.

Section 31. Selling, Renting/Lending Pornographic Materials. It shall be unlawful to sell or lend pornographic materials. Violators shall pay a fine of P 3,000.00 and an imprisonment for six months plus confiscation and burning of pornographic materials.

Section 32. 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 and other complaints shall be filed with the proper court in accordance with the provisions of this Code.



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Section 33. Other Forms of Sexual Harassment. Other than the definition provided by RA 7877, otherwise known as the Anti-Sexual Harassment Act of 1995, the following constitute sexual harassment:

- a) Persistent telling of offensive jokes such as green jokes and other analogous statements to someone who finds them offensive or humiliating;
- b) Taunting a person with constant talk about sex and sexual innuendoes;
- c) Displaying offensive or lewd pictures and publications in the workplace;
- d) Interrogating someone about their sexual activities or private life, except on medical or physical examination purposes;
- e) Making offensive hand or body gestures at someone;
- f) Repeatedly asking for dates despite verbal rejection;
- g) Staring or leering maliciously;
- h) Touching, pinching or brushing up against someone's body unnecessarily or deliberately;
- i) Kissing or embracing someone against her will;
- j) Requesting sexual favors in exchange for a good grade, obtaining a good job, promotion;
- k) Cursing, whistling or calling a woman in public with words having dirty connotations or implications which ridicule, humiliate, or embarrass the woman such as "puta," "buring", "peste", "igat", "puñeta", etc.;
- l) Any other unnecessary acts during physical examinations;
- m) Requiring women to wear suggestive or provocative attire during interviews such as on job hiring, promotion.

Commission of one of these acts shall be subject to an imprisonment of one week to six months or a fine of P1,000.00 to P 3,000.00 or both, at the discretion of the court.

Section 34. Fund Raising Initiatives. All fund raising initiatives, whether in whole or in part, integrated in any raffle, draw, benefit or disco dance, premier showing or movies, or any similar fund-raising undertakings where women are used as donor prize, substitute for prizes won, a companion package for an award, prize, 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 pay a fine of P 5,000.00 or imprisonment of six months, or both, at the discretion of the court.

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Section 35. Husband and Wife Battering. Husband and wife battering shall be punishable from one month to year imprisonment, or a fine of P1,000.00 to P5,000.00 or both, at the discretion of the court. Other forms of battering as defined in this Code shall be covered by the same penalty.

Section 36. Forced Marriage. 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 act to cause and effect a forced marriage shall be held liable under this Code by a fine of P5,000.00, or an imprisonment of one year, or both, at the discretion of the court. However, the customs and traditions of the indigenous peoples shall be taken into consideration and duly respected.

Section 37. Pedophilia. Pedophilia as a form of sexual perversion where children are the preferred survivors, shall be punishable as follows:

- a) When the offender shall have sexual intercourse with a boy or a girl, he/she shall be sentenced to the penalty for Acts of Rape under Article II, Chapter II of this Code;
- b) When the offender shall have anal intercourse with a boy or girl, he/she shall be sentenced to six months imprisonment or in accordance with existing law or at the discretion of the court;
- c) When the offender commits other pedophilic act, he/she shall be punished by an imprisonment of 3 months or in accordance with laws or at the discretion of the court, provided that said penalty shall be imposed in its maximum period if the offended party is a girl.

Section 38. Additional Penalties for Pedophiles. 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 39. Complaints of Pedophilia. Complaints against pedophilic acts shall be filed by the same person as enumerated under Section 85, Article II, Chapter II of this Code.

ARTICLE IV
LABOR AND EMPLOYMENT

Section 40. Reproductive Health Services. Establishments within the Province of Cavite as well as labor intensive establishments shall provide access to reproductive health services to workers regardless of sex and civil status as a manifestation of concern for women's role in social production. Cancellation of business permit or licence to operate shall be recommended for imposition by the LGU concerned and/or fine of P5,000.00 shall constitute the penalty for violation of this provision.

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Section 41. Orientation on Sexual Harassment. All local offices, agencies, and establishments or companies, government and private, in the Province shall conduct orientation on sexual harassment. Failure to comply with this provision shall mean a payment of a fine of not less than P3,000.00 nor more than P5,000.00.

Section 42. Gender-Sensitive Physical Plan. A physical plan 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 workplace. Failure to comply with this provision shall be penalized as follows:

- a) 1st offense – fine of P3,000.00 and suspension of business permit or license for three months;
- b) 2nd offense – fine of P4,000.00 and suspension of business permit or license for six months
- c) 3rd offense – fine of P 5,000.00 and revocation of business permit or license.

Section 43. Barangay-Based Registration of Househelpers. All barangays in the province shall come up with an annual survey of domestic helpers in their barangays to monitor cases of sexual harassment, sexual abuse and other forms of maltreatment. Household shall be required to enlist their househelpers for identification and for other purposes. An administrative sanction shall be imposed upon any barangay council fails to comply with this provision.

ARTICLE V
WOMEN IN THE ENTERTAINMENT INDUSTRY

Section 44. Workers in the Entertainment Industry. Workers in the entertainment industry shall be recognized as wage earners and they shall receive a minimum wage and benefits afforded to workers and shall render services only in the place of work as specified in the business permit of the establishment concerned. Violation of this provision shall be subject to a fine of P5,000.00 or cancellation of business permit, or both, at the discretion of the court.

Section 45. Raids. Police brutality shall not be allowed during conduct of raids in the entertainment establishments. Violators of this provision shall be subject to administrative sanction.

ARTICLE VI
HEALTH

Section 46. Reproductive Health Services For All. All hospitals in the Province of Cavite shall offer equitable and affordable reproductive health services for all regardless of sex and social status. Non-compliance of this provision, the hospital operator, President or Chief of Hospital concerned, shall be penalized by a fine of P3,000.00.

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**ARTICLE VII
SPECIAL GROUP OF PERSONS**

Section 47. Municipal/City-Level Sanction of Cases of Harassment Committed Against Differently-Abled Persons. All municipalities/cities in the province shall formulate a municipal/city-level sanction on cases of harassment committed against differently-abled persons. Failure to comply with this provision shall subject the offenders to administrative sanction.

**ARTICLE VIII
WOMEN AND CHILDREN**

Section 48. Support to Women and Children. All agreements or settlements arrive at the barangay level relative to the support of the children shall be final and executor. Violation of such agreements or settlements shall be subject to a fine of P1,000.00.

**ARTICLE IX
GENDER AND DEVELOPMENT ORIENTATION TRAINING**

Section 49. Gender Sensitivity Orientation and Training. All schools, offices, establishments or companies, departments and agencies including provincial, municipal, city and barangay officials within Cavite shall initiate gender sensitivity orientation and training which shall equip them with theoretical and practical knowledge on gender issues and concerns. Likewise, all establishments, schools, colleges and universities shall develop assessment tools for gender biases. Non-compliance with this provision shall require the concerned party to pay a fine of P5,000.00 and issuance of warning by the Provincial Governor.

CHAPTER IV - PROVISIONS FOR IMPLEMENTATION

**ARTICLE I
TRANSITORY PROVISIONS**

Section 50. The Provincial Social Welfare and Development Office, in coordination with the Sangguniang Panlalawigan Committee on Women, Family and Social Services, the Sangguniang Panlalawigan Office, the Human Resources Management Office, the PNP Women and Children's Desk, the Provincial Planning and Development Office, shall assume and exercise the functions, powers and duties prescribed in this Code. For this purpose, all existing programs and the corresponding appropriation are hereby assumed by the PSWDO for implementation.



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Section 51. Personnel. Upon recommendation of the Provincial Governor, the Sangguniang Panlalawigan shall create positions such as one (1) Social Welfare Officer III, two (2) Social Welfare Officer II, three (3) Social Welfare Officer I, two (2) Social Welfare Aide, one (1) Administrative Officer II and one (1) Clerk I, that will assist in the implementation of this Code and man the operation of the Provincial Social Welfare and Development Office, taking into consideration the service requirement and financial capability of the Provincial Government, subject to the minimum standard prescribed by the Civil Service Commission as well as the appropriate position titles and salary grades prescribed by the Department of Budget and Management.

Section 52. Funding. Any amount as may be necessary to implement the provisions of this Code is hereby appropriated from any available source in the General Fund of the province, Thereafter, the Provincial Government shall set aside an amount as may be necessary to fund the GAD projects and activities of the Provincial Government in pursuance of this Code, subject to existing laws, rules and issuances on the matter.

Section 53. Rules and Regulations. The Provincial Governor, through the assistance of the Provincial GAD Council, shall formulate the Implementing Rules and Regulations necessary to carry out the provisions of this Code.

**ARTICLE II
FINAL PROVISIONS**

Section 54. 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 55. 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.

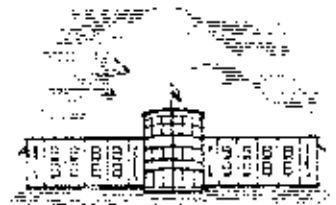
UNANIMOUSLY APPROVED.

I hereby certify to the correctness of the foregoing.

JOSE R. DE CASTRO, SR.
Provincial Board Secretary



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[Signature]
LUIS T. PAGTAKHAN
 Pro-Tempore

[Signature]
CESARIO R. DEL ROSARIO, JR.
 Acting Majority Floor Leader

[Signature]
LOPE D. TEPORA
 Minority Floor Leader

[Signature]
RESTITUTO T. ENRIQUEZ
 Asst. Minority Floor Leader

[Signature]
ALEX L. ADVINCULA
 Sanggunian Member

[Signature]
ARLEEN C. ARAYATA
 Sanggunian Member

[Signature]
RECTO M. CANTIMBUHAN
 Sanggunian Member

[Signature]
RAYMUNDO A. DEL ROSARIO
 Sanggunian Member

[Signature]
VIRGILIO T. AMBION
 Sanggunian Member

[Signature]
REMIGIO G. DILAG
 SB Prov'l. Fed. Pres.

[Signature]
CECILIA D. MIRANDA
 ABC Prov'l. Fed. Pres.

[Signature]
JUAN MIGUEL C. ILANO
 SK Prov'l. Fed. Pres.

(Sick Leave)
EILEEN R. BERATIO
 Majority Floor Leader

ATTESTED:

[Signature]
DENCITO P. CAMPAÑA
 Vice-Governor/Presiding Officer

APPROVED:

[Signature]
AYONG S. MALIKSI
 Provincial Governor