



Republika ng Pilipinas  
**SANGGUNIANG PANLUNGSOD NG MARIKINA**

Ordinance No. 143  
Series of 2019

**ORDINANCE LOCALIZING THE APPLICATION OF THE SAFE SPACES ACT OF 2019 IN THE CITY OF MARIKINA AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF OTHERWISE KNOWN AS THE “BAWAL BASTOS ORDINANCE OF 2019”**

Introduced by:

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**WHEREAS**, Section 11, Article II of the Constitution provides that the State values the dignity of every human person and guarantee full respect for human rights;

**WHEREAS**, Section 8 of Republic Act 11313 provides for duties of Local Government Units with primary responsibility to enforce certain provisions of said Act, including the passage of an ordinance to localize applicability of the Act, and impose fines on acts of gender-based sexual harassment, inter alia;

**WHEREAS**, the City Government of Marikina is committed to ensuring that all places within its jurisdiction are safe at all times to all people, regardless of appearance, age, background, color, race, sex, gender orientation, identity, or expression;

**NOW THEREFORE**, be it **ORDAINED** as it is hereby **ORDAINED** by the Sangguniang Panlungsod ng Marikina, in session duly assembled, that –

**Section 1. Title.** – This Ordinance shall be known as the “Bawal Bastos Ordinance of 2019”.

**Section 2. Purpose.** – This Ordinance provides local mechanisms for the implementation of Republic Act 11313 including those for businesses, organizations, and schools. This Ordinance further prohibits acts of sexual harassment and acts which threaten and violate safe spaces, and provides penalties for violations thereof.

**Section 3. Definition of Terms.** – For purposes of this Ordinance, the following terms are hereby defined as used in the Safe Spaces Act of 2019, to wit:

- a. Catcalling – refers to unwanted remarks directed towards a person, commonly done in the form of wolf-whistling and misogynistic, transphobic, homophobic and sexist slurs;
- b. Employee – refers to a person who, in exchange for remuneration, agrees to perform specified services for another person whether natural or juridical, and whether private or public, who exercises fundamental control over the work, regardless of the term or duration of agreement, provided that for the purposes of this law, a person who is detailed to an entity under a subcontracting or secondment agreement shall be considered an employee;
- c. Employer – refers to a person who exercises control over an employee, provided, that for the purposes of this Ordinance, the status or conditions of the latter’s employment or agreement shall be disregarded;
- d. Gender – refers to a set of socially ascribed characteristics, forms, roles, attitudes, value, and expectations identifying the social behaviour of persons and the relationship between them;
- e. Gender-based online sexual harassment – refers to online conduct targeted at a particular person that causes or likely to cause another mental, emotional, or psychological distress, and fear of personal safety, sexual harassment acts include unwanted sexual advances, remarks and comments, threats, uploading or sharing of one’s photographs or image without consent, video and audio recordings, cyber-stalking and online identity theft;
- f. Gender identity and/or expression – refers to the personal sense of identity as characterized, among others, by manner of clothing, inclinations, and behaviour in relation to masculine and feminine conventions, regardless of physiological characteristics;
- g. Public spaces – refers to streets and alleys, public parks, schools, building, malls, bars, restaurants, transportation terminals, public markets and other shopping centers, other privately-owned places open to the public, spaces used as evacuation centers, government offices, places of work, public utility vehicles as well as private vehicles covered by app-based transport network services, and other such vehicles purporting to be of public utility, and other recreational spaces such as but not limited to cinema halls, sports arenas, theatres, spas, and swimming pools; and
- h. Stalking – refers to conduct directed to a person involving the repeated visual or physical proximity non-consensual communication, or a combination thereof that cause or likely cause a person to fear for one’s own safety or safety of others to suffer emotional distress.

#### Article I

#### *Gender-based Streets and Public Spaces Sexual Harassment*

