



Republic of the Philippines
BATANGAS CITY

Office of the Sangguniang Panlungsod

Tel. No. 723-2175

ORDINANCE NO. 7 S. 2015

AN ORDINANCE CREATING AND ADOPTING MEASURES TO PREVENT AND
COUNTERACT BULLYING AMONG CHILDREN WITHIN THE TERRITORIAL
JURISDICTION OF BATANGAS CITY

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WHEREAS, the Child and Youth Welfare Act of the Philippines states that every child has the right to a well-rounded development of his personality to the end that he may become a happy, useful and active member of society;

WHEREAS, Article II, Section 13 of our 1987 Constitution mandates that the State shall recognize the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being and shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs;

WHEREAS, Article XIV, Section 3 of the 1987 Constitution provides that the State shall mandate all educational institutions to develop the moral character and personal discipline of students;

WHEREAS, the House of Representatives has approved the Anti-Bullying Act of 2012 which mandates elementary and secondary schools to adopt policies to prevent and address the acts of bullying in their institution;

WHEREAS, Section 16 of the Local Government Code of 1991 (R.A. 7160) so provides that local government units shall exercise its powers expressly granted, and those that are necessarily implied there from, which are necessary and essential to the promotion of the general welfare of its inhabitants;

WHEREAS, bullying that has raised an alarming concern over parents, teachers and school administrations by students and even out of school youths, not only inflicts negative physical and psychological effects to the victim but also leaves a negative emotional experience thereby leaving detrimental short and/or long term effects to their studies, social personality and whole well-being;

WHEREAS, in line with the image of Batangas City as one of the most livable cities in the country, efforts shall be made to maintain and create an environment that is ideal for



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the growth and development of its children, thereby a local legislation is needed to cater the need to promote and protect the well-being of the students, provide for the peace of mind of their parents or guardians and shape the conduct of the youth, instill discipline and essential values integrating them to be productive, responsible and courteous citizens of Batangas City;

NOW THEREFORE, BE IT ORDAINED, AS IT IS HEREBY ORDAINED, by the Sangguniang Panlungsod of Batangas City in session duly assembled that:

SECTION 1. TITLE - This ordinance shall be known as "Comprehensive Anti-Bullying Ordinance of Batangas City."

SECTION 2. DECLARATION OF POLICY - It is hereby declared the policy of Batangas City Government that the rights of the children as to their survival, protection, participation and development must be given the highest priority. In the same manner, the City Government shall create and continuously formulate, enact and implement sound measures that will ensure that the growth and development of children within its territorial jurisdiction shall be free from exploitation, improper influences, hazards and other conditions or circumstances prejudicial to a child's physical, mental, emotional, social and moral development.

Guided by the principles of children's rights, the City of Batangas shall ensure that the privacy rights of not just the victim but also the alleged perpetrator of bullying shall be treated with utmost protection and will not be compromised and restrained other than what is legal and necessary.

Finally, upon the enactment and implementation of this ordinance, the City Government of Batangas in its mission for a zero bullying city, affirms its commitment to protect and uphold all the rights of both the victim and the offender in all the stages including its investigation and subsequent proceedings to address cases of bullying. This shall include proper and legal representation from parents, students, school district, school staff, administrators and volunteers who have significant contact and responsibility with students and community representatives.

SECTION 3. DEFINITION OF TERMS - For the purpose of this Ordinance, the following terms shall mean:



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- a) **Student** - a learner who is enrolled in any educational institution.
- b) **Child** - refers to a person under the age of eighteen (18) years.
- c) **School Personnel** - person/s working for an educational institution, which includes the following:
- i. **Teaching or Academic Staff** - persons engaged in actual teaching and/or research assignments either on full-time or part-time basis in all levels of educational system.
 - ii. **School Administrators** - persons that occupy policy implementing positions relative to the functions of the school in all levels. They also have the discretion to provide the relative sanctions in case of policy violation/s.
 - iii. **Academic Non-Teaching Personnel** - persons holding some academic qualifications and performing academic functions directly supportive of teaching, such as supervisors, registrars, librarians, research assistants, research aides and similar staff.
 - iv. **Non-Academic Personnel** - school personnel not falling under the definition and coverage of teaching and academic staff and academic non-teaching personnel.
- c) **Legal Guardian** - is those who is such by provision of law without need of judicial appointment.
- d) **Judicial Guardian** - a guardian appointed by the court to represent the minor in all of latter's civil acts and transactions.

SECTION 4. PROHIBITED ACTS OF BULLYING

- I. Bullying means any gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents, which:



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- a) Is reasonably perceived as being motivated either by an actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic;
- b) Takes place on school premises or outside the school premises, at any school-sponsored function, or any school property;
- c) Substantially disrupts or interferes with the orderly operation of the school or impairs the rights of other students;
- d) Has the effect of physical or emotional harm to a student or students, or damage to a student's property or of placing a student in a reasonable fear of physical or emotional harm;
- e) Has the effect of insulting or demeaning any student or students;
- f) Creates a hostile educational environment for a student by interfering with the student's education or by severely or pervasively causing physical or emotional harm to the student's person.

II. The following are acts of bullying behaviors and their examples but are not limited to:

a. **Physical Bullying** - Physical bullying occurs when a person uses overt bodily acts to gain power. These include:

- i. hitting, punching, shoving, pushing, kicking, slapping, headlocks, tripping, spitting;
- ii. pranks that may cause injury or embarrassment to a student;
- iii. forcibly taking a personal belonging from a student or damaging other people's personal belongings;
- iv. the use of weapons to harm or scare

b. **Verbal Bullying** - Verbal bullies intimidate and harm their victims by using words. These include:



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- i. relentless insults and teasing, commenting negatively on a person's looks or body, clothes, and status;
- ii. spreading malicious and nasty rumors;
- iii. taunting, name calling, shouting of indecent languages;
- iv. verbal threats;
- v. slanderous statements and accusations
- vi. homophobic or racists slurs

c. Emotional / Psychological Bullying - involves the repeated and intentional use of words or actions which can cause psychological harm. These include:

- i. intimidation, manipulation and stalking;
- ii. embarrassing a student on account of his or her religion, sexual orientation, physical appearance or financial status;
- iii. face making, threatening gestures or looks;
- iv. passing notes, letters or drawings intended to embarrass or insult;
- v. writing remarks, drawings or caricatures in public places;
- vi. using peer pressure to intimidate;
- vii. demeaning, ridiculing;
- viii. directing indecent languages or profanity at a student;
- ix. embarrassing a student on account of his or her family, affiliation, academic status and cultural orientation.

d. Sexual Bullying - any bullying behavior that uses sexual messages or actions to make a person feel intimidated, small or uncomfortable.

- i. making sexual jokes, comments, or gestures to or about someone;
- ii. spreading sexual rumors (in person, by text, or online);
- iii. writing sexual messages about people on bathroom stalls or in other public places;
- iv. showing someone inappropriate sexual videos or pictures;
- v. posting sexual comments, pictures, or videos on social networks or social media like Facebook, or sending explicit text messages;



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- vi. making sexual comments or offers while pretending to be someone else online;
 - vii. touching, grabbing, or pinching someone in a deliberately sexual way, pulling at someone's clothing and brushing up against them in a purposefully sexual way.
- e. **Cyber bullying** - is bullying that takes place using electronic technology. Electronic technology includes devices and equipment such as cell phones, computers, and tablets as well as communication tools including social media sites, text messages, chat, and websites. These include:
- i. a text message, tweet, or response to a status update on any social networking sites that is harsh, mean, or cruel regarding another person;
 - ii. impersonating a victim online or posting personal information, photos, or videos designed to hurt or embarrass another person;
 - iii. rumors and threats sent by email or posted on social networking sites;
 - iv. hacking, logging-in or using someone else's social networking or email account without prior authority or permission with the purpose of embarrassing, threatening or attribute malicious statements, pictures or acts, creating conflict to be attributed to the victim.
- f. **Accomplice to bullying** - aids, assists or supports the offender or bully in doing the acts mentioned above. This includes acts regardless of verbal, physical, emotional/psychological and/or the use of technology directly and indirectly done to prevent the victim or witnesses from reporting any incident of bullying. These include:
- i. using words, coined or embarrassing fabricated terminologies that will be identified to the witness/es or the victim that will prevent them from reporting incidents of bullying;
 - ii. rumors, notes, images with or without the use of technology to provoke someone to bully a victim or prevent the victim from reporting cases of bullying;
 - iii. all acts of an individual that will provoke and result to any incident of bullying not limited to the types and acts of bullying stated in this ordinance;



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- iv. aids, assists, supports or primarily being involved in concealing, destroying and deleting with or without the use of technology, materials of evidence on incidents or cases of bullying;

SECTION 5. SPECIAL PARENTAL AUTHORITY - The school administrator, teachers and its personnel shall have special parental authority and responsibility over the students while under their supervision, instruction or custody. Authority and responsibility shall apply to all activities of the school whether inside or outside its premises.

SECTION 6. CREATION OF AN ANTI-BULLYING COMMITTEE (ABC) - All elementary and secondary schools in the City of Batangas shall create and convene an Anti-Bullying Committee that shall establish policies to address the existence of bullying in their respective institutions investigate on incidents of bullying and recommend the necessary actions to be taken for the resolution of a bullying incident. The committee shall be composed of the following:

Chairperson - Principal
Vice Chairperson - President, Parents-Teachers Association
Members: Guidance Councilor or its Equivalent
President of Student Council
Barangay Captain and/or Barangay Kagawad Chairman on the Committee on Education of the host barangay
President of Faculty Association
Youth representative from the Barangay

SECTION 7. ADOPTION OF SCHOOL ANTI-BULLYING POLICIES - Aside from encouraging elementary and secondary school administrations within the locality of Batangas City to comply to R.A. 10627 otherwise known as "AN ACT REQUIRING ALL ELEMENTARY AND SECONDARY SCHOOLS TO ADOPT POLICIES TO PREVENT AND ADDRESS THE ACTS OF BULLYING IN THEIR INSTITUTIONS" and its IRR and DepED Order No. 40, s. 2012, the intent of this section is to create a standard procedure to prevent, report, investigate and respond to bullying incidents of students inside and outside school premises. The policies to be adopted by the ABC shall be reviewed/updated annually and at least shall:

- a. Include a provision that shall prohibit the following acts:



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- i. Acts of Bullying on school grounds, property immediately adjacent to school grounds, at school-sponsored or school-related activities, functions or programs whether on or off school grounds, at school bus stops, on school buses or other vehicles owned, leased or used by a school, or through the use of technology or an electronic device owned, leased or used by a school;
 - ii. Acts of Bullying at a location, activity, function or program that is not school related and through the use of an electronic device that is not owned, leased or used by a school if the act or acts in question create a hostile environment at school for the victims, infringe on the rights of the victim at school, or materially and substantially disrupt the education process or the orderly operation of a school; and
 - iii. Retaliation against a person who reports bullying, who provides information during an investigation of bullying, or who is a witness to or has reliable information about bullying.
- b. Establish clear procedures for school personnel, students, parents, guardians and others to report acts of bullying or retaliation before the school administrator, school officer or person designated by the same to handle such issues;
 - c. Include a provision that reports acts of bullying or retaliation may be made anonymously, provided however, that no disciplinary administrative action shall be taken against a student solely on the basis of an anonymous report;
 - d. Establish clear procedures for promptly responding to and investigating reports of bullying or retaliation;
 - e. Identify the range of disciplinary administrative or appropriate remedial actions that may be taken against a perpetrator for bullying or retaliation which shall be commensurate with the nature and gravity of the offense;
 - f. Establish a clear procedure for restoring a sense of safety for a victim and assessing the student's need for protection;



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- g. Establish strategies to protect from acts of bullying or retaliation a child who reports bullying, provides information during an investigation of bullying or is a witness to or has reliable information about the same;
- h. Establish procedures for promptly notifying the parents or guardians of a victim and the perpetrator. The parents or guardians of a victim shall also be notified of the action taken to prevent any further acts of bullying. The said procedures must also provide for immediate notification to the law enforcement agency where criminal charges may be pursued;
- i. Include a provision that a student who knowingly makes a false accusation of acts of bullying shall be subject to disciplinary administrative action;
- j. Include a strategy for providing a counselling or referral to appropriate services for perpetrators and victims including the parents or guardians of said students;
- k. Include a provision that will educate parents and guardians about anti-bullying policies of the school; how parents and guardians can provide, support, and reinforce such policies at home; the dynamics of bullying; and online safety and cyber-bullying.
- l. Establish clear guidelines and procedures in response, handling and/or in pursuit to cases or incidents of bullying inside or outside the school grounds that will qualify to R.A. 9344 as amended by R.A. 10630 otherwise known as "**JUVENILE JUSTICE AND WELFARE ACT OF 2006**" subject to the ratification of the City Anti-bullying Council.

All elementary and secondary schools shall provide students and their parents, legal or judicial guardians a copy of the anti-bullying policies being adopted by the school and shall be one of the primary agendas of the Parent-Teachers Association assembly that shall require the presence of all parents, legal or judicial guardians. Such policies shall likewise be included in the school's student and/or employee handbook and shall be conspicuously posted on the school bulletin boards and website if there is any.

SECTION 8. CREATION OF CITY ANTI-BULLYING COUNCIL - All Anti-bullying Committee of public and private schools within the territorial jurisdiction of Batangas City shall convene a



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City Anti-Bullying Council that shall meet for not less than once a year or upon the discretion of the Chairman in order to address necessary issues, additional programs and policies including any other matter that will be supplementary in attaining a bullying free city. The City Anti-Bullying Council shall also be the venue where all Anti-bullying Committees will be able to coordinate and formulate programs and policies for school to school cases of bullying and particularly for bullying cases that will transpire outside the school. The committee shall be composed of the following:

Chairperson - City Mayor
Vice Chairperson (Internal) - City Social Welfare
Development Coordinator
Vice Chairperson (External) - City Legal Officer

Members:

Division Superintendent
All Anti-bullying Committee Chairperson
Overall Chairperson/President of Parents-Teachers
Association
City's Chief of Police
Defense and Security Services Head
ABC President
City Council Chairperson - Committee on Education
City Council Chairperson - Committee on Social Welfare
City Council Chairperson - Committee on Peace and Order

SECTION 9. DUTIES OF THE CITY ANTI-BULLYING COUNCIL - The City Anti-bullying Council, upon the adoption of its internal rules and regulations, shall perform duties such as, but not limited to the following:

- a. Serve as an advisory/consultative body to the members particularly the Anti-bullying committee chairperson;
- b. Ensure that the adopted prevention and intervention programs includes mechanisms and procedures in handling bullying in schools set forth by R.A. 10627 otherwise known as "An Act Requiring All Elementary and Secondary Schools to Adopt Policies to Prevent and Address the Acts of Bullying in their Institutions" and its IRR are being complied upon and shall be in harmony to all existing laws rules and regulations;



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- c. Assist the Anti-bullying committees through the chairman in the formulation of guidelines and procedures in compliance to this ordinance and ratify such supplementary policies and programs to address the provisions of this ordinance against bullying
- d. Provide all Anti-bullying committees with a database of all members and concerned agencies for inter-committee and inter-agency coordination to address all aspects of bullying that includes response, handling and investigation;
- e. Formulate, coordinate and implement any budgetary measure in order to support the approved programs, campaigns and activities of the City Anti-bullying Council in relation to the fulfillment of its objectives subject to all existing budgetary and auditing rules and regulations;
- f. Create programs and projects in order to prevent bullying inside and outside the school;
- g. Monitor, assess and evaluate reports from all of the members and agencies concerned particularly the Anti-bullying committees in order to ensure the efficiency of policies and programs being implemented and formulate supplementary recommendations to concerned agencies such as but not limited to the Sangguniang Panlungsod that is necessary to address any other bullying issues that may arise in the future;
- h. Create programs and projects that will address the core issues that cause bullying or drives any perpetrator whether student or non-student to perform prohibited acts of bullying.

SECTION 10. IMPLEMENTATION OF THE POLICIES - Within ninety (90) days from the effectivity of this ordinance, the City Anti-bullying Council shall promulgate the necessary rules and regulations to implement the provisions of this ordinance. Rules and regulations in implementing this ordinance shall include guidelines such as but not limited to the following:

- a. For cases of bullying inside and immediately outside the school grounds:



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The school administrators shall be responsible for the implementation and oversight of policies intended to address bullying. Any school administrator, teacher or personnel, student, parent or volunteer shall immediately report any instance of bullying or act of retaliation witnessed or that has come to one's attention to the school administrator or school officer or person designated by the same to handle such issues, or both. Upon receipt of such a report, the school administrators or the designated school officer or person shall promptly investigate it. If it is determined, that acts of bullying, retaliation has occurred, the school principal or the designated officer, or person shall:

- a.1. Inform the parents of all the students involved in the alleged incident, and may discuss, as appropriate, the availability of counselling and other intervention services.
 - a.2. Initiate an investigation of the incident, which shall be conducted by the Anti-Bullying Committee;
 - a.3. Notify the law enforcement agency if the school administrators or designee believes that criminal charges may be pursued against a school personnel for instigating, initiating, or bringing about acts of bullying between students, or shall willfully fail, obstruct, impede or frustrate to report the same;
 - a.4. Take appropriate disciplinary administrative action against the perpetrator and/or accomplice;
 - a.5. In acts of bullying or retaliation involving students from more than one school, the school who is informed or who discovers of the bullying incident shall promptly notify the appropriate administrator of the other school so that both may take appropriate action.
- b. For cases of bullying outside the jurisdiction of the school, beyond school hours, or involving non-students:

Any individual by virtue of this ordinance is hereby authorized and empowered to intervene and interfere to any immediate acts of bullying without prejudice to the perpetrator for the purpose of preventing or stopping such prohibited acts in the absence of any law enforcement personnel such as but not limited to the police, defense and security services or



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barangay public safety officer. However, the intervening individual shall have the duty to immediately call upon the attention of any law enforcement personnel and report the aborted acts or cases of bullying and provide statements if necessary. In addition, the City Anti-bullying Council, in order to address bullying outside the school, shall formulate guidelines and procedures such as but not limited to the following:

b.1. Guidelines and procedures for the host or adjacent barangays and any law enforcement officer in intervening, interfering and/or stopping any acts of bullying or acts of retaliation subject to existing laws, rules and regulations;

b.2. Guidelines and procedures for the concerned barangays and any law enforcement agencies in investigating and pursuing any sanctions or charges that may be filed to the perpetrator including any policy in handling post-bullying cases in coordination to concerned agencies subject to all existing laws, rules and regulations;

b.3. Establish procedures in pursuing charges to any person for instigating, initiating, or bringing about acts of bullying between students or non-students or shall willfully fail, obstruct, impede or frustrate to report any acts of bullying;

SECTION 11. POWER OF SCHOOL PERSONNEL AND BARANGAY OFFICIALS - School personnel and barangay officials are hereby empowered to prevent, counteract and resolve acts of bullying within their respective jurisdiction or while these children are under their supervision, instruction or custody.

SECTION 12. CIVIL AND CRIMINAL LIABILITIES FOR ACTS OF BULLYING - The parents, judicial or legal guardians shall be principally and solidarily liable for damages caused by acts of bullying to a student as provided for in Section 4 (Prohibited Acts of Bullying) of this ordinance.

SECTION 13. PENALTY CLAUSE - The penalty of fine ranging from One Thousand Pesos (P1,000.00) to Three Thousand Pesos (P3,000.00) shall be imposed to any person, school administrator, teacher or personnel who shall instigate, initiate or bring about acts of bullying between or among



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students. Furthermore, the same penalty shall be imposed to any person, school administrator, teacher or personnel, who shall willfully fail, obstruct, impede, or frustrate to report any act of bullying within their knowledge as provided for in this ordinance to the proper authorities or concerned agencies.

SECTION 14. REPEALING CLAUSE - All ordinances, rules and regulations or parts thereof in conflict with this ordinance are hereby repealed, provided that the rights that are vested upon the effectivity of this Ordinance shall not be impaired.

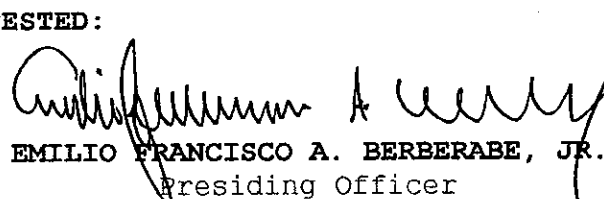
SECTION 15. SEPARABILITY CLAUSE - Should any provision, section or part of this ordinance declared as invalid by any court of competent jurisdiction, such judgment shall not affect or impair the remaining provisions, sections or parts hereof shall continue to be in full force and effect.

SECTION 16. EFFECTIVITY CLAUSE - This ordinance shall take effect upon approval.


ENACTED by the Sangguniang Panlungsod this 25th day of May, 2015.


ATTY. OLIVA D. TELEGATOS
Secretary
Sangguniang Panlungsod

ATTESTED:


EMILIO FRANCISCO A. BERBERABE, JR.
Presiding Officer

APPROVED:


EDUARDO B. DIMACUHA
City Mayor
Date Approved: June 1, 2015