

**CASES COVERED AND NOT COVERED
UNDER THE KATARUNGANG PAMBARANGAY (KP) SYSTEM**

COVERED

Any Anti-Sexual Harassment Enforcer (ASHE), Anti-Sexual Harassment Officer (ASHO), security guard, or any other officer or person who receives a complaint for sexual harassment shall refer the complaint to the *lupong tagapamayapa* if the same falls strictly within the coverage of the *katarungang pambarangay*.

The first- and second-time offenses of the following acts of sexual harassment, found in Section 11 (a) of the Safe Spaces Act, are covered by the *katarungang pambarangay*:

- a. cursing,
- b. wolf-whistling,
- c. catcalling,
- d. leering and intrusive gazing,
- e. taunting,
- f. pursing,
- g. unwanted invitations,
- h. misogynistic, transphobic, homophobic, and sexist slurs,
- i. persistent unwanted comments on one's appearance,
- j. relentless requests for one's personal details such as name, contact and social media details or destination,
- k. the use of words, gestures or actions that ridicule on the basis of sex, gender or sexual orientation, identity and/or expression including sexist, homophobic, and transphobic statements and slurs,
- l. the persistent telling of sexual jokes,
- m. use of sexual names, comments and demands, and
- n. any statement that has made an invasion on a person's personal space or threatens the person's sense of personal safety.

NOT COVERED

The following cases of sexual harassment are not covered by the *katarungang pambarangay* and shall be referred to the local PNP women and children's desk or to the proper officer or court for appropriate action:

- a. Offenses under the Anti-Sexual Harassment Act of 1995;
- b. Offenses under the Safe Spaces Act, other than the first and second offenses in Section 11 (a) of the Act;
- c. Offenses under the Anti-Violence Against Women and their Children Act, the Anti-Photo and Video Voyeurism Act, the Anti-Child Pornography Act, the Special

- Protection of Children Against Abuse, Exploitation, and Discrimination Act, and the Anti-Trafficking in Persons Act;
- d. Violations of ordinances punishable by imprisonment exceeding one year or a fine exceeding P5,000.00;
 - e. Where one party is a public officer or employee, and the dispute relates to the performance of his official functions;
 - f. Disputes involving parties who actually reside in barangays of different cities or municipalities, except where such barangay units adjoin each other and the parties thereto agree to submit their differences to amicable settlement by an appropriate *lupon*;
 - g. Other cases not covered by the *katarungang pambarangay* under the Local Government Code and other relevant laws, rules, and regulations.

When parties may go directly to court

No complaint or action regarding any offense under the Safe Spaces Act that is covered by the *katarungang pambarangay* shall be filed or instituted directly in court, except in the following instances¹:

- a. where the complainant secures a Certificate to File Action issued by the secretary of the *lupong tagapamayapa* or the *pangkat ng tagapagkasundo* and attested to by the *lupon* or *pangkat* chairperson;
- b. where the accused is under detention;
- c. where a person has otherwise been deprived of personal liberty calling for habeas corpus proceedings;
- d. where actions are coupled with provisional remedies such as preliminary injunction, attachment, delivery of personal property and support *pendente lite*; and
- e. where the action may otherwise be barred by the statute of limitations.

Conciliation among members of indigenous cultural communities

The customs and traditions of indigenous cultural communities shall be applied in settling disputes between members of the cultural communities.²

¹ Sections 410 and 412 (a) and (b) of the Local Government Code of 1991.

² Section 412 (c) of the Local Government Code of 1991.