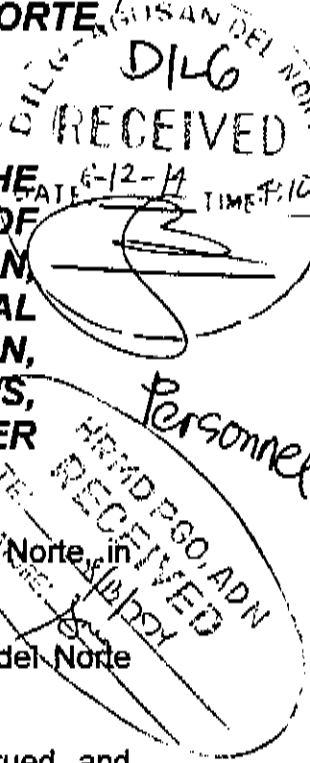


AN ORDINANCE ENACTED BY THE 16TH SANGGUNIANG PANLALAWIGAN OF AGUSAN DEL NORTE, IN ITS 51ST REGULAR SESSION ON JULY 21, 2014 HELD AT THE BARANGAY COVERED COURT, BARANGAY SANGAY, BUENAVISTA, AGUSAN DEL NORTE.

PROVINCIAL ORDINANCE NO. 358-2014

AN ORDINANCE PROHIBITING DISCRIMINATION IN THE PROVINCE OF AGUSAN DEL NORTE ON THE BASIS OF AGE, DISABILITY, ETHNICITY, GENDER EXPRESSION, GENDER IDENTITY, HEALTH STATUS, PHYSICAL APPEARANCE, POLITICAL AFFILIATION, RELIGION, SEXUAL ORIENTATION AND SOCIAL STATUS, APPROPRIATING FUNDS THEREOF, AND FOR OTHER RELATED PURPOSES

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in Ordinance
prohibiting
discrimination
in the province
of ages, disabilities, etc.



BE IT ORDAINED, by the Sangguniang Panlalawigan of Agusan del Norte, in session assembled, that:

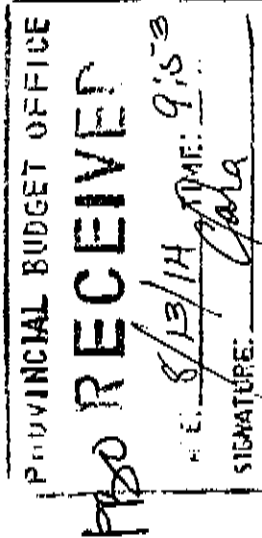
SECTION 1. TITLE- This Ordinance shall be known as the Agusan del Norte Anti-Discrimination Ordinance.

SECTION 2. CONSTRUCTION - This Ordinance shall be construed and interpreted to be consistent and in harmony with existing national and local laws.

SECTION 3. DECLARATION OF POLICY - It is hereby declared as a policy of the province of Agusan del Norte to value the dignity of every human person and guarantee full respect of human rights to promote equality and to effectively eliminate all forms of discrimination that violate and offend the guarantee of equal protection of Human Rights as enshrined in the Philippine Constitution and other existing laws as well as in various international conventions and agreements to which the country adheres and is signatory.

SECTION 4. DEFINITION OF TERMS - For purposes of this Ordinance, the following terms shall be defined as follows:

- a) **Age** refers to the person's time of existence or duration of life. This is in reference to ageism where one is discriminated on the basis of age.
- b) **Disability** refers to an individual with 1) a physical or mental impairment that substantially limits one or more psychological, physiological or anatomical functions of an individual or activities of such individual; 2) a record of such impairment; or 3) being regarded as having such impairment.
- c) **Discrimination**, for purposes of giving effect to this ordinance, shall mean any act or action committed to manifest prejudice, bigotry, unequal treatment, exclusion, restriction, preference, humiliation and vilification towards any individual or group by reason of their age, disability, ethnicity, gender expression, gender identity, health status, physical appearance, political affiliation, religion, sexual orientation, and social status and which it has the purpose or effect of nullifying or impairing the recognition, enjoyment, or exercise by all persons of an equal footing of all rights and freedom.



Handwritten notes:
PSO N90
A. ROMANO
8/13/14

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Account: ...
8/14/14



Republic of the Philippines
 Province of Agusan del Norte
 SP Building, Capitol Compound, Butuan City

Office of the Sangguniang Panlalawigan

Tel. Nos. (085) 341-4264 Telefax: (085) 341-2922

SANGGUNIANG PANLALAWIGAN OFFICE
 MONITORING & RECORDS DIVISION
 2014-2-2014
 SIGNATURE
 INITIALS

AN ORDINANCE ENACTED BY THE 16TH SANGGUNIANG PANLALAWIGAN OF AGUSAN DEL NORTE, IN ITS 51ST REGULAR SESSION ON JULY 21, 2014 HELD AT THE BARANGAY COVERED COURT, BARANGAY SANGAY, BUENAVISTA, AGUSAN DEL NORTE.

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PMP
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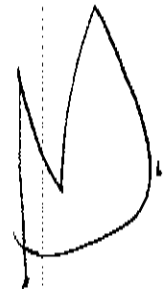
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- d) **Ethnicity** refers to the characteristic of a person or group of persons sharing a common and distinctive racial, national, religious, lingual, cultural and indigenous heritage.
- e) **Gender Expression** refers to external manifestation of one's gender identity, usually expressed through "masculine," "feminine" or gender-variant behavior, clothing, haircut, voice or body characteristics.
- f) **Gender Identity** refers to the personal sense of identity as characterized, among others, by manners of clothing, inclinations, and behavior in relation to masculine or feminine conventions. A person may have a male or female identity with the physiological characteristics of the opposite sex, as in the case of transsexuals and transvestites. For transgender people, their birth-assigned sex and their own internal sense of gender identity do not match.
- g) **Health Status** refers to both physical and mental health of individual, group of populations as perceived by the individual or as diagnosed by a competent medical health officer. In particular, HIV-AIDS status of a person and health conditions such as but not limited to leprosy, hepatitis, tuberculosis among others that subject them to social stigma. This also includes the health status of single women who are pregnant.
- h) **Physical Appearance** is the perceived outward look or attributes of a person which could include hair color, eye color, height, weight, and skin color contributed by factors like genetics, age, ethnic background, and body type.
- i) **Political Affiliation** is an association or membership in any political party or group that typically seeks to influence, or entirely control government policy.
- j) **Religion** refers to a set of beliefs concerning the cause, nature and purpose of the universe especially when considered as the creation of a superhuman agency or agencies usually involving devotions and actual observations and often containing a moral code governing the conduct of human affairs.
- k) **Sexual Orientation** refers to the direction of emotional sexual attraction or conduct. This can be towards people of the same sex (homosexual orientation) or towards people of the opposite sex (heterosexual orientation).
- l) **Social Status** is the relative rank than an individual holds, with attendant rights, duties, and lifestyle, in a social hierarchy based primarily upon education, occupation, honor, popularity and achievements.

SECTION 5. PERSONS LIABLE – Any person, natural or juridical, including any government or private corporation, institution or company, who commits discrimination against any person on account of age, disability ethnicity, gender expression, gender identity, health status, physical appearance, political affiliation, religion, sexual orientation, and social status as cited above shall be held liable under this Ordinance.

Any person who requests, instructs, induces, encourages, authorizes or assists another to commit acts of discrimination shall likewise be held liable under this Ordinance.



SECTION 6. PROHIBITED ACTS – It is hereby prohibited, thus illegal, to discriminate any person and/or group of persons on the basis of their age, disability, ethnicity, gender expression, gender identity, health status, physical appearance, political affiliation, religion, sexual orientation, and social status.

It is unlawful therefore to any person, natural or juridical to deny a person's or group of persons access and/or refuse admission or force the said person to admission to private and public services and/or facilities on the basis of the cited conditions under this Section, to wit:

- a) Denying a person's access to public programs and services;
- b) Including the conditions cited in the 1st paragraph of this section in the criteria for hiring, promotion and dismissal of workers, when the same is not material to the nature of the work required, and in the determination of employee compensation, training, incentives, privileges, benefits or allowances, and other terms and conditions of employment;
- c) Refusing admission to or expelling or dismissing a person from educational institutions without prejudice to the right of educational institutions to determine the academic qualification of their students;
- d) Refusing or revoking the accreditation, formal recognition and/or registration of any organizations group, institution or establishment in educational institutions, workplaces, communities, and similar settings;
- e) Denying a person's access to medical and other health services as well as to health insurance and other related benefits as provided for under the law;
- f) Denying a person's access to and/or the use of private and public establishment facilities, utilities, transportation or services including housing that are open to the general public and notwithstanding the existence of the person's capacity to comply or his/her actual compliance with the requirements brought forth in order to access or enter such establishment;

There is a denial when, among others a person is given lesser value of accommodation services.

- g) Rejecting of any application for, entry and participation; and/or rejecting or revoking any application for license, clearance, certification or any other documents issued by governmental authorities or other private or juridical entities;
- h) Subject or force any person to any medical or psychological examination without the expressed approval of the person involved on the basis of the afrecited conditions, provided that such person is not psychologically incapacitated as determined by competent authority;
- i) Uploading or posting pictures, videos, and comments on the internet through social networking sites, websites, and other social media which demean, debase, and humiliate a person or group of persons;
- j) Publication and/or use of derogatory and humiliating statements, remarks, comments, articles, and pictures in print and broadcast media against a person or group of persons; and
- k) Other analogous acts with the deliberate intention to discriminate any person and or group of persons.

SECTION 7. CREATION OF LOCAL ANTI-DISCRIMINATION MEDIATION AND CONCILIATION COUNCIL - There shall be created the following Anti-Discrimination Mediation and Conciliation Councils:

A. BARANGAY ANTI-DISCRIMINATION MEDIATION AND CONCILIATION COUNCIL (BAMCC)

Chairperson : Punong Barangay
Vice-Chair : Barangay Human Rights Action Officer
Secretariat : Barangay Secretary
Members : Lupong Tagapamayapa Members

B. MUNICIPAL/CITY ANTI-DISCRIMINATION MEDIATION AND CONCILIATION COUNCIL (MAMCC/CAMCC)

Chairperson : Mayor
Co-Chair : SB/SP Chair on Human Rights, Peace and Order
Secretariat : Municipal/City Social Welfare Officer
Members : Municipal/City Legal Officer
Municipal/City Budget Officer
Municipal/City Permanent representative from Dep.Ed
Municipal/City Permanent representative from PNP
Municipal/City Health Officer
PO/NGO representatives from Women, PWD, Senior Citizens, Youth, IPs and other vulnerable sectors

C. PROVINCIAL ANTI-DISCRIMINATION MEDIATION AND CONCILIATION COUNCIL (PAMCC)

Chairperson : Provincial Governor
Co-Chair : Sangguniang Panlalawigan Chair on Social Welfare and Population Development
Secretariat : Provincial Social Welfare Officer
Members : Provincial Prosecutor
Provincial Budget Officer
Human Resource & Management Officer-PGO
Provincial Health Officer
Permanent representative from DILG – Province
Permanent representative from NCIP
Permanent representatives from Dep.-Ed Division (Provincial and Regional)
Permanent representative from PNP-Provincial Office
Permanent representative from CHED
Permanent representative from DOLE
PO/NGO representatives from Women, PWD, Senior Citizen, Youth, IPs, Interfaith Religious Groups and other vulnerable sectors
Representative from the media

The Anti-Discrimination Councils shall be created within one (1) year from the effectivity of his Ordinance.

To ensure the effective implementation of this ordinance, the local chief executives are hereby mandated to issue executive orders organizing their respective local Anti-Discrimination Mediation and Conciliation Councils.

SECTION 8. FUNCTIONS OF THE ANTI-DISCRIMINATION MEDIATION AND CONCILIATION COUNCILS – The Anti-Discrimination Mediation and Conciliation Councils of the different levels in the local government units in the province are tasked to receive complaints concerning violations of any provision of this Ordinance and notify the parties concerned of the same.

The following are the specific functions of each council:

A. Barangay Anti-Discrimination Mediation and Conciliation Council:

1. Receive complaints concerning violations of any provision of this Ordinance;
2. Notify the parties concerned of the complaints;
3. Mediate and conciliate the parties deference to the end that judicial, quasi-judicial, prosecutorial and administrative actions are avoided. The procedure of the Katarungang Pambarangay under the Local Government Code of 1991 shall be observed;
4. Submit quarterly reports of cases of anti-discrimination to the higher councils such as the Municipal/City Anti-Discrimination Mediation and Conciliation Council and the Provincial Anti-Discrimination Mediation and Conciliation Council;
5. Implement programs that shall ensure that discrimination is prevented and effectively addressed;
6. Conduct advocacy programs thru effective information and education campaigns to prevent incidents of discrimination in their respective localities.

B. Municipal/City Anti-Discrimination Mediation and Conciliation Council:

1. Receive complaints through the Secretariat concerning violations of any provision of this Ordinance;
2. Endorse the complaints to the proper agencies concerned;
3. Conduct monitoring programs on incidents of discrimination in their respective jurisdictions;
4. Mediate and conciliate the parties deference to the end that judicial, quasi-judicial, prosecutorial and administrative actions are avoided;
5. Conduct consultative meetings with the vulnerable sectors of the community regarding discrimination;
6. Implement programs that shall ensure that discrimination is prevented and effectively addressed;
7. Conduct advocacy programs thru effective information and education campaigns to prevent incidents of discrimination in their respective localities.



C. Provincial Anti-Discrimination Mediation and Conciliation Council:

1. Receive complaints through the PSWPNSO concerning violations of any provision of this Ordinance;
2. Endorse the complaints to the proper agencies concerned;
3. Conduct monitoring programs on incidents of discrimination in their respective jurisdictions;
4. Implement programs stated in Section 9 of this Ordinance to ensure that discrimination is prevented and effectively addressed;
5. Conduct advocacy programs thru effective information and education campaigns within the province.

SECTION 9. PROVINCIAL ANTI-DISCRIMINATION PROGRAMS - The Agusan del Norte Government through the Provincial Anti-Discrimination Mediation and Conciliation Council shall endeavor to ensure that discrimination in the province is prevented and effectively addressed through the following anti-discrimination programs:

- a) **Discrimination and Stigma Reduction Programs -** The Provincial Government shall appropriate funds to address discrimination and stigma with the following program components:
 - i) **Capacity Building and Education Campaign** to curb social stigma and eliminate discrimination, a comprehensive consciousness and awareness-raising campaign and developing knowledge, harnessing skills and values formation on respect for human rights and human dignity shall be undertaken within private and public institutions, establishments, organizations and communities.
 - ii) **Discrimination and Stigma Studies and Databank.** Fund shall be allocated for stigma and discrimination case documentation, researches and information dissemination as well as to set-up a databank of different cases and experiences of stigma and discrimination.
 - iii) **Discrimination and Stigma Monitoring.** This refers to monitoring of discriminating articles, songs, videos, books, and other materials published in print media and the internet, broadcasted through television and radio and filing the appropriate charges.
- b) **Access to Scholarships, Skills, Employment and Livelihood Opportunities-** The Provincial Government shall ensure that all persons shall have equal access to scholarship, skills trainings, employment, livelihood and microfinance opportunities and ensure equitable access to persons who by reason of age, disability, ethnicity, gender expression, gender identity, health status, physical appearance, political affiliation, religion, sexual orientation, and social status are discriminated.
- c) **Access to Legal Representation -** The Provincial Government shall facilitate that victims of stigma and discrimination are afforded legal representation when documenting and filing of cases as well as during the duration of the case.
- d) **Policy Review-**The Provincial Government through the Sangguniang Panlalawigan shall ensure that all policies, resolutions, ordinances, codes, and other policy documents are free from discriminatory statements and provisions and undertake amendments of those provisions that shall be deemed discriminatory to effectively eliminate discrimination, stigma and stereotypes.



SECTION 10. IMPLEMENTING MECHANISM -

1. The Provincial Government through the Provincial Social Welfare, Population and Nutrition Services Office (PSWPNSO), in coordination with the Provincial Federation of Senior Citizens Association of the Philippines (PFSCAP) and the Provincial Lady Local Legislators League (LL), among others, shall be directly and primarily responsible for the implementation of the provision of this Ordinance. It shall be the duty of the PSWPNSO to coordinate with the appropriate agencies and offices to implement the programs provided for under Section 9 hereof and to monitor or take action on any complaint they received.
2. Complaints shall first be lodged to the Barangay Anti-Discrimination Mediation and Conciliation Council and shall exert all efforts to exhaust all available means to mediate or conciliate the parties to the end that judicial, quasi-judicial, prosecutorial and administrative actions are avoided.

The provisions of the Katarungang Pambarangay of Local Government Code of 1991 shall be applied.

3. Work-related discrimination shall be subject to the provisions of the Labor Code of the Philippines and other pertinent laws such as, but not limited to, Magna Carta of Persons With Disability, Magna Carta of Senior Citizens, Child and Youth Welfare Code, Magna Carta of Women, and Indigenous People Rights Act among others.

There is work related discrimination when the conditions cited in Section 6 are included in the criteria for hiring promotions and dismissal of workers when the same is not material to the nature of work required, and in the determination of employee compensation, training, incentives, privileges, benefits or allowances and other terms and conditions of an employment.

There is discrimination due to the denial of an application or revocation of professional license, clearance, certification or any other document issued by any government authority due to applicant's age, disability, ethnicity, gender expression, gender identity, health status, physical appearance, political affiliation, religion, sexual orientation, and social status that shall be handled by appropriate government agencies which grant such license, clearance, certification and other documents without prejudice to the victim to recourse with appropriate court and other concerned government agencies.

SECTION 11. PENALTIES. Any persons or entity that violates the provisions of this ordinance shall be penalized on the following manner:

- a) **First offense** – a fine of One Thousand Pesos (P1,000.00) or an imprisonment of one (1) day to thirty (30) days or both, at the discretion of the court.
- b) **Second offense** - a fine of Three Thousand Pesos (P3,000.00) or an imprisonment one (1) day to thirty (30) days or both, at the discretion of the court.
- c) **Offenses committed a third time or oftener** - a fine of Five Thousand Pesos (P5,000.00) or an imprisonment one (1) day to thirty (30) days or both, at the discretion of the court.

SECTION 12. INFORMATION CAMPAIGN – Within thirty (30) days from the approval of this Ordinance, the various Local Anti Discrimination Mediation and Conciliation Councils of the province through the PSWPNSO, C/MSWDOs, Provincial/City/Municipal Information Officers and the Punong Barangays shall conduct an information campaign to apprise the public on the provisions of this ordinance.

SECTION 13. APPROPRIATION OF FUNDS - The Provincial Government of Agusan del Norte shall appropriate P 250,000.00 annually and every year thereafter for the effective implementation of the programs through the PSWPNO as mentioned under Section 9 of this Ordinance.

The city, municipal and barangay governments are also encouraged to appropriate funds in their respective Annual Budgets and every year thereafter to ensure sustainable implementation of this ordinance so that discrimination is prevented under its jurisdiction.

SECTION 14. SEPARABILITY CLAUSE – If any provisions or part hereof is held *invalid or unconstitutional*, the remainder of the Ordinance or the provisions hereof otherwise not affected shall remain valid, subsisting and enforceable.

SECTION 15. EFFECTIVITY–This ordinance shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

APPROVED ON 2ND READING : July 21, 2014


AUTHOR	:	Honorable Elizabeth Marie R. Calo
CO-AUTHORS	:	Honorable Joseph E. Tomaneng Honorable Rodolfo A. Pitogo
MOVANT	:	Honorable Elizabeth Marie R. Calo
SECONDER	:	Honorable Antidlo B. Amora

APPROVED ON 3RD READING : July 21, 2014

Voting of this ordinance is as follows:


Affirmative votes	:	9
Abstain	:	0
Negative vote/s	:	0
On Official Business	:	Hon. James T. Reserva (attending the Provincial Peace and Order Council Meeting)


CERTIFIED CORRECT



RAMON A. G. BUNGABONG
Vice Governor, Presiding Officer

8/15/2014

ATTESTED:


ALFREDO M. RAFANAN
Secretary to the Sanggunian


REY G. JAMBOY
Board Member,
Plenary Floor Leader


ELIZABETH MARIE R. CALO
Board Member

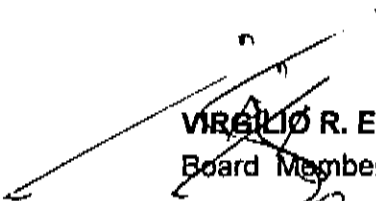
JAMES T. RESERVA
Board Member


JOSEPH E. TOMANENG
Board Member


DANNY M. MORAN
Board Member


RODULFO A. PITOGO
Board Member



ANTIDIO B. AMORA
Board Member


 VIRGILIO R. ESCASIÑAS, JR.
Board Member


LORITO Q. MARAGAÑAS
Board Member, PCL


BENJAMIN D. LIM
Board Member, FABC

APPROVED:
SUBMITTED TO THE GOVERNOR
DATE: AUG 06 2014


MA. ANGELICA ROSEDELL M. AMANTE-MATBA
Provincial Governor
 AUG 12 2014
Date Approved