



Republic of the Philippines
Province of Ilocos Sur
CITY OF CANDON

SANGGUNIANG PANLUNGSOD

Begun and held at the Sanggunian Session Hall on Monday, the fourth day of August,
Two Thousand and Fourteen

ORDINANCE NO. 662-14
AN ORDINANCE PROHIBITING RACIAL, ETHNIC, GENDER IDENTITY, SEXUAL
ORIENTATION, AND RELIGIOUS DISCRIMINATION IN THE CITY
OF CANDON, PROVINCE OF ILOCOS SUR

BE IT ENACTED by the Sangguniang Panlungsod of the City of Candon, Province of Ilocos Sur in regular session assembled,

Section 1. Short Title. – This Ordinance shall be known as the "The Anti-Discrimination Ordinance of Candon City".

Section 2. Declaration of Policy. – It is the policy of the state to work actively for the elimination of all forms of discrimination that offends the equal protection clause of the Bill of Rights and the State obligations under human rights instruments acceded to by the Republic of the Philippines. Towards this end, discriminatory practices as defined herein shall be proscribed and penalized.

Section 3. Definition of Terms. – As used in this Ordinance:

- (a) "Accommodation" refers to a house, apartment, condominium, townhouse, flat, hotel, inn, villa, motel, boarding house, hostel, dormitory or any other places of dwelling.
- (b) "Education" refers to all types and levels of education, and includes access to education, the standard and quality of education, and the conditions under which it is given.
- (c) "Employment" refers to the existence of an employer-employee relationship, which is determined by the four-fold test:
- (1) Selection of the employee
 - (2) Payment of wages;
 - (3) Power of dismissal; and
 - (4) Power of control.

This definition shall apply to regular, probationary, contractual, seasonal and project based workers. In legitimate contracting or subcontracting arrangements, the contractor/subcontractor shall be deemed the employer of the contractual employee.

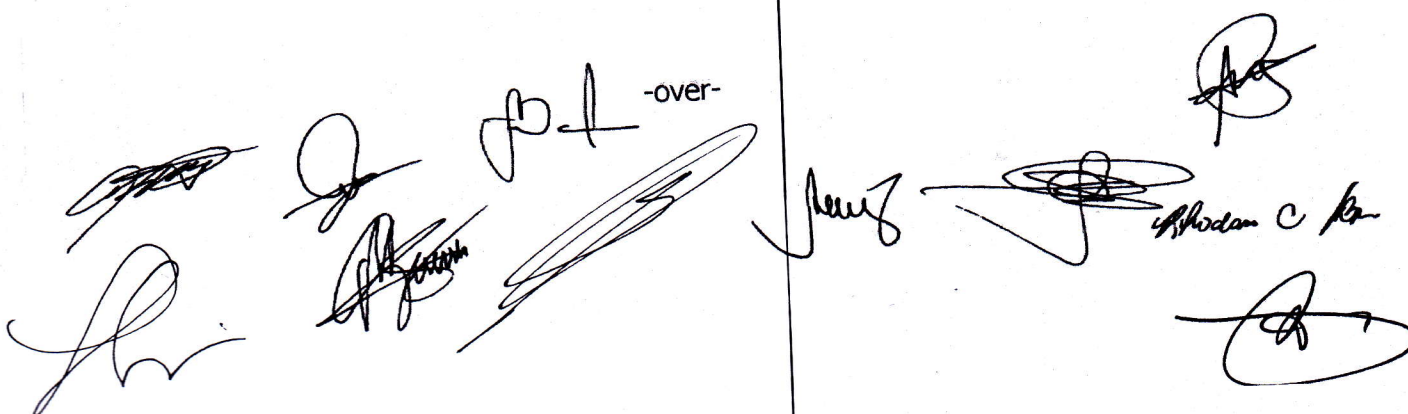
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- (d) "Ethnic origin" refers to the race, color, descent, national origin and ethno-linguistics origin of a person.
- (e) "Gender Identity" refers to the personal sense of identity as characterized, among others, by manners of clothing, inclinations, 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.
- (f) "Goods and services" shall refer to the material and nonmaterial products or things of value offered for sale to satisfy needs and wants for survival, comfort, or pleasure such as, but not limited to, that provided by restaurants, resorts, hotels, clubs, stores and shopping malls or acts or services provided by financial establishments, public utilities, professionals, maintenance and repair workers, laborers, etc.
- (g) "Indigenous peoples" as provided under Section 3(h), Chapter II of Republic Act No. 8371 or "The Indigenous Peoples Rights Act of 1997", shall refer to a group of people or homogenous societies identified by self-ascription and ascription by others, who have continuously lived as an organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed and utilized such territories, sharing common bonds of language, customs, traditions and other distinctive cultural traits, or who have, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and cultures, become historically differentiated from the majority of Filipinos. Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) shall likewise include peoples who are regarded as indigenous on account of their descent from the populations which inhabited the country, at the time of conquest or colonization, or at the time of inroads of non-indigenous religions and cultures, or the establishment of present state boundaries, who retain some or all of their own social, economic, cultural and political institutions, but who may have been displaced from their traditional domains or who may have resettled outside their ancestral domains.
- (h) "Religious belief" refers to a strong belief in a supernatural power or powers that control human destiny.
- (i) "Sexual Orientation" refers to the direction of emotional sexual attraction or conduct. This is expressed towards people of the same sex (homosexual orientation) or towards people of both sexes (bisexual orientation) or towards people of the opposite sex (heterosexual orientation).



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Sexual orientation is not equivalent to sexual behavior since this refers to feelings and self-concept. Persons may or may not express their sexual orientation in their behaviors.

Section 4. Meaning of Discrimination. – Any distinction, exclusion or restriction made on the basis of gender identity, sexual orientation, race, ethnic origin, religion, religious affiliation or beliefs or color of the skin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural, civil, or any other field of public life.

Section 5. Acts of Discrimination. How Committed.
Discrimination is committed when a person withholds from, excludes, restricts, curtails, demeans human dignity or otherwise impairs the recognition, enjoyment and/or exercise of a right or basic freedom of another, to which others similarly situated or circumstanced are extended or which they are allowed to enjoy or exercise, in employment, education, shelter, and delivery of basic goods and services, on the basis of gender identity, sexual orientation, race, ethnic origin, religion, religious affiliation or beliefs or color of the skin and that the following constitute acts of discrimination and are therefore punishable, which includes, but not limited to:

(a) Discrimination in Political Participation – Any person acting as principal or agent shall be liable for discrimination through the commission of any of the following acts:

(1) Preventing, impeding, prohibiting, obstructing or intervening in the exercise of political rights by another including, but not limited to, the right to vote in a national or local election, both regular or special, or in a plebiscite, both initiative or referendum on the basis of gender identity, sexual orientation, race, ethnic origin, religion, religious affiliation or beliefs or color of the skin of the person or of any relative, representative or assignee of the person.;

(2) Imposing onerous terms before the political rights mentioned in the immediately preceding paragraph are granted, preserved or protected which are not imposed on another similarly situated or circumstanced on the basis of gender identity, sexual orientation, race, ethnic origin, religion, religious affiliation or beliefs or color of the skin or of any relative, representative or assignee of the person; or

(3) Subjecting a person who wishes to exercise a political right to any other detriment, which is not subjected upon another similarly situated or circumstanced on the basis of gender identity, sexual orientation, race, ethnic origin, religion, religious affiliation or beliefs or color of the skin of the person or of any relative, representative or assignee of the person.

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(b) Discrimination in Employment. –

- (1) Any employer or head of a firm, company or organization shall be liable for discrimination by:
- (i) Refusing or failing to employ any person for work of any type or kind which is available and for which the person is qualified on the basis of gender identity, sexual orientation, race, ethnic origin, religion, religious affiliation or beliefs or color of the skin;
 - (ii) Imposing on any person seeking employment onerous terms and conditions which are not imposed on another similarly situated or circumstanced on the basis of gender identity, sexual orientation, race, ethnic origin, religion, religious affiliation or beliefs or color of the skin;
 - (iii) Denying or limiting access of an employee to the same terms and conditions of work, opportunities for training, transfer or promotion, or to other benefits connected with the employment, as are made available for other employees having the same qualifications and employed in the same circumstances or work of the same kind or type, or by imposing on the person onerous terms and conditions which are not imposed on another similarly situated or circumstanced on the basis of gender identity, sexual orientation, race, ethnic origin, religion, religious affiliation or beliefs or color of the skin; or
 - (iv) Dismissing an employee, or subjecting an applicant for employment or an employee to any other detriment, which is not subjected upon another similarly situated or circumstanced, on the basis of gender identity, sexual orientation, race, ethnic origin, religion, religious affiliation or beliefs or color of the skin.
- (2) Any person acting as principal or agent in procuring employment for other persons or procuring employees for an employer shall be liable for discrimination by treating an applicant seeking employment less favorably than another person similarly situated or circumstanced or imposing onerous terms and conditions which are not imposed on another person similarly situated or circumstanced on the basis of gender identity, sexual orientation, race, ethnic origin, religion, religious affiliation or beliefs or color of the skin of the person or of any relative, representative or assignee of the person seeking employment.

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(3) Any person acting as principal or agent of an organization of employers or employees, or any person acting or purporting to act on behalf of such organization, shall be liable for discrimination by preventing or seeking to prevent another person from offering employment or from continuing another person in employment on the basis of gender identity, sexual orientation, race, ethnic origin, religion, religious affiliation or beliefs or color of the skin of the person or of any relative, representative or assignee of the person.

(c) Discrimination in Education. – Any person who heads or owns an educational institution, be it public, private or vocational, including any officer, employee or person acting on behalf of the head or owner of such institution shall be liable for discrimination by:

- (1) Refusing or failing to accept an applicant for admission as a student;
- (2) Subjecting an applicant or student to terms and conditions for his acceptance in said institution which are not imposed on applicants or students similarly situated or circumstanced as him or her;
- (3) Denying or limiting access of a student to any benefit or privilege provided by the institution;
- (4) Expelling a student; or
- (5) Subjecting the applicant or student to any other detriment

on the basis of gender identity, sexual orientation, race, ethnic origin, religion, religious affiliation or beliefs or color of the skin of the student or of any relative, representative or assignee of the student

(d) Discrimination in the Delivery of Goods and Services. – Any person acting as principal or agent who provides or supplies goods or services to the public or to any section thereof shall be liable for discrimination by:

- (1) Refusing or failing on demand to provide or supply those goods or services to any person on the basis of gender identity, sexual orientation, race, ethnic origin, religion, religious affiliation or beliefs or color of the skin of the person or of any relative, representative or assignee of the person;
- (2) Imposing onerous terms or conditions as a requisite for providing goods or services to any person which are not refused or subjected to such onerous terms or conditions when extended to others similarly circumstanced on the basis of gender identity, sexual orientation, race, ethnic origin, religion, religious affiliation or beliefs or color of the skin of the person or of any relative, representative or assignee of the person;

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(3) Subjecting a person to any other detriment in connection with the provision of goods or services, on the basis of gender identity, sexual orientation, race, ethnic origin, religion, religious affiliation or beliefs or color of the skin of the person or of any relative, representative or assignee of the person.

(e) Discrimination in Accommodation. -

(1) Any person acting as principal or agent providing accommodation shall be liable for discrimination by:

- (i) Refusing or failing to allow any person to avail of or occupy any land, or any residential or business accommodation being rented out or offered to the public for a fee, rental or other forms of compensation by reason of gender identity, sexual orientation, race, ethnic origin, religion, religious affiliation or beliefs or color of the skin of the person;
- (ii) Refusing to permit any person to occupy any land or any residential or business accommodation on the basis of gender identity, sexual orientation, race, ethnic origin, religion, religious affiliation or beliefs or color of the skin of the person or of any relative, representative or assignee of the person;
- (iii) Refusing or failing to accept or process the application of a person for any interest in land, or residential or business accommodation on the basis of gender identity, sexual orientation, race, ethnic origin, religion, religious affiliation or beliefs or color of the skin of the person or of any relative, representative or assignee of the person;
- (iv) Disposing of such an interest or such accommodation to any person on less favorable terms and conditions than those which are or would otherwise be offered to others on the basis of gender identity, sexual orientation, race, ethnic origin, religion, religious affiliation or beliefs or color of the skin of the person or of any relative, representative or assignee of the person;
- (v) Treating any person who is seeking to acquire or has acquired an estate or interest or such accommodation less favorably than those who are similarly situated or circumstanced on the basis of gender identity, sexual orientation, race, ethnic origin, religion, religious affiliation or beliefs or color of the skin of the person or of any relative, representative or assignee of the person;

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- (vi) Terminating any estate or interest in land of any person or the right of any person to occupy any land or any residential or business accommodation on the basis of gender identity, sexual orientation, race, ethnic origin, religion, religious affiliation or beliefs or color of the skin of the person or of any relative, representative or assignee of the person; or
- (vii) Subjecting an applicant to any other detriment on the basis of gender identity, sexual orientation, race, ethnic origin, religion, religious affiliation or beliefs or color of the skin of the person or of any relative, representative or assignee of the person.
- (2) Any person acting as principal or agent shall also be liable for discrimination by imposing or seeking to impose on any person any term or condition that limits the persons or class of persons who may be the clients, visitors or guests of any land or residential or business accommodation, on the basis of gender identity, sexual orientation, race, ethnic origin, religion, religious affiliation or beliefs or color of the skin of the person.
- (f) Discrimination in Access to or Use of Public Places, Private and Public Establishments, Facilities, Utilities, Transportation or Services – Any person acting as principal or agent shall be liable for discrimination by:
- (1) Refusing to allow any person access to and/or use of any public places, establishments, facilities, utilities, transportation, or services open to the general public;
 - (2) Refusing to allow any person access to or use of any of such public places, establishments, facilities, utilities, transportation, or services by providing onerous terms and conditions not similar to others whom they would otherwise allow access to or use of the place, establishment, facilities, utilities, transportation or services;
 - (3) Requiring any person to leave or cease to use any of such public places, establishments, facilities, utilities, transportation, or services; or
 - (4) Subjecting a person wishing to access public places, establishments, facilities, utilities, transportation, or services to any other detriment
- on the basis of gender identity, sexual orientation, race, ethnic origin, religion, religious affiliation or beliefs or color of the skin of the person or of any relative, representative or assignee of the person.

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(g) Discrimination in Accessing Public Meetings or Assemblies – Any person acting as principal or agent shall be liable for discrimination by:

1. Refusing to allow any person access to a meeting or assembly open to the public or to a section thereof on the basis of gender identity, sexual orientation, race, ethnic origin, religion, religious affiliation or beliefs or color of the skin of the person or of any relative, representative or assignee of the person ;
2. Refusal to allow any person access to a meeting or assembly by providing onerous terms and conditions not similar to others to which they would otherwise allow access to a meeting or assembly on the basis of gender identity, sexual orientation, race, ethnic origin, religion, religious affiliation or beliefs or color of the skin of the person or of any relative, representative or assignee of the person;
3. Subjecting a person wishing to access public places, facilities or public meetings to any other detriment on the basis of gender identity, sexual orientation, race, ethnic origin, religion, religious affiliation or beliefs or color of the skin of the person or of any relative, representative or assignee of the person.

(h) Discrimination in Advertisements/Mass Media. – Any person acting as principal or agent shall be liable for discrimination by:

1. Portraying certain persons in movies, films and advertisements in any medium of communication, either television, radio or newspaper, or other audio-visual forms or other publicly accessible documents as "uncivilized", "barbaric", "savages", "dirty", "wild", "ignorant", "silly", and the like, on the basis of sexual orientation, gender identity, race, ethnic origin, religion or religious affiliation or beliefs;
2. Publishing, displaying, or causing or permitting to be published or displayed an advertisement or notice that indicates or could reasonably be understood as indicating an intention to do an act that is unlawful by reason of a provision of this Ordinance; or
3. Subjecting, either by verbal or written word or publication, to ridicule or insult or attributing despicable behavior or habits or associating violence and criminal activities, any person or group of persons by reason of his gender identity, sexual orientation, race, ethnic origin, religion, religious affiliation or beliefs or color of the skin.

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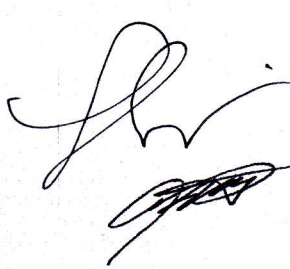
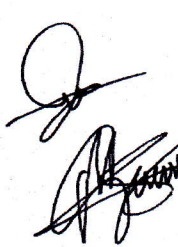
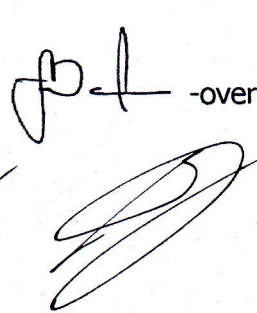
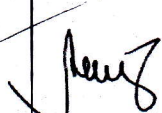



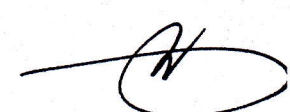


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- (i) Discrimination by Wrongful Portrayal. – Any person acting as principal or agent shall be liable for discrimination by portraying, imitating, depicting or describing in learning institutions, instructional materials, teaching devices, books and reference materials, especially in Civics and History, certain individuals and/or group/s as racially inferior.
- (j) Inciting Others to Commit Acts of Discrimination. – Any person acting as principal or agent shall be liable for discrimination by inciting others to commit discrimination or any action that is unlawful by reason of any of the provisions of this Ordinance , or by assisting or promoting, whether through financial assistance or otherwise, the doing of such act.
- (k) Discrimination Through Speeches, Utterances, Acts of Hatred and Similar Acts. Any person shall be liable for discrimination by delivering speeches or making utterances, doing acts of hatred or violence against another person, or mocking or ridiculing another person on the basis of gender identity, sexual orientation, race, ethnic origin, religion, religious affiliation or beliefs or color of the skin of the person.
- (l) Other forms of Discrimination
 - 1.) Any person acting as principal or agent shall be liable for discrimination by refusing or revoking the accreditation, formal recognition, and/or registration of any organization, group, institution, or establishment, in educational institutions, workplaces, communities, and similar settings on the basis of gender identity, sexual orientation, race, ethnic origin, religion, religious affiliation or beliefs or color of the skin.
 - 2.) Any person acting as principal or agent shall be liable for discrimination by denying any person access to public programs or services on the basis of gender identity, sexual orientation, race, ethnic origin, religion, religious affiliation or beliefs or color of the skin.
- (m) Discrimination Through Analogous Acts That Result in Impairment of the Enjoyment of Human Rights and Fundamental Freedoms. – Any person acting as principal or agent shall be liable for discrimination by analogous acts which have the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise of the person’s human rights and fundamental freedoms in the political, economic, social, cultural and civil spheres on the basis of gender identity, sexual orientation, race, ethnic origin, religion, religious affiliation or beliefs or color of the skin of the person.




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Section 6. Persons Liable. – Any person, natural or juridical, or their representatives, including government or government-owned and controlled corporations, or any private corporation, institution or company who commits discrimination through any of the acts described in the preceding section shall be liable under this Ordinance.

Any person who requests, instructs, induces, encourages, authorizes or assists another to commit acts of discrimination shall also be liable under this Ordinance. Any person who is duty-bound to act on complaints of discrimination under this Ordinance but fails or refuses to do so shall be deemed to have sanctioned the discriminatory act, and shall consequently be held equally liable for discrimination.

Section 7. ANTI-DISCRIMINATION MEDIATION AND CONCILIATION BOARD – There is hereby created the Anti-Discrimination Mediation and Conciliation Board, otherwise known as the BOARD, composed of the following, namely:

1. City Mayor or his/her duly authorized permanent representative;
2. City Legal Officer or his/her duly authorized permanent representative;
3. Chairperson of the Committee on Laws, Ordinances and Legal Matters of the Sangguniang Panlungsod or his/her duly authorized permanent representative;
4. Chairperson of the Committee on Trade, Commerce and Industry of the Sangguniang Panlungsod his/her duly authorized permanent representative;
5. Chairperson of the Committee on Education of the Sangguniang Panlungsod his/her duly authorized permanent representative;
6. Representative from the LGBT civil society;
7. City Superintendent of City Schools or his/her duly authorized representative;
8. President or Authorized Representative of the Restaurants and Bars Association of Candon City;
9. President or Authorized Representative of the Candon City Accommodation Establishments Association.

Section 8. SUB-BOARD TO BE CREATED BY THE ANTI-DISCRIMINATION MEDIATION AND CONCILIATION BOARD –

The Anti-Discrimination and Conciliation Board is hereby authorized and empowered to create such number of sub-boards as it deems necessary and proper to be composed of five (5) members with the City Mayor or his duly authorized permanent representative as chairperson and the City Legal Officer or his duly authorized permanent representative as Vice Chairperson of each sub-board with the three (3) remaining members to be chosen from the foregoing list in consonance with the nature or character of the complaint or issue to be subjected to mediation and conciliation proceedings.



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Section 9. MAIN/ PRINCIPAL FUNCTION OF THE ANTI-DISCRIMINATION MEDIATION AND CONCILIATION BOARD -

The Anti-Discrimination Mediation and Conciliation Board is tasked to receive complaints concerning violations of any of the provisions of this Ordinance, notify the parties concerned of the same, and mediate and conciliate the parties' differences to the end that judicial, quasi-judicial, prosecutorial and administrative action is AVOIDED.

Section 10. Responsibility to Promote a Non-discrimination and Equal Opportunity Environment. - It shall be the duty of every person, natural or juridical, public or private, to ensure non-discrimination and equal opportunity for all persons in relating to actual or prospective employees, students, tenants, customers or clients, and that no discriminatory acts, as defined herein, is committed by them or their agents in the areas defined under Section 5 of this Ordinance.

All government officials, officers, employees and workers are obliged to promote non-discrimination in the discharge of their duties and responsibilities.

Section 11. Penalties. - Except for violations of the Labor Code of the Philippines involving the rights of workers and employees which shall be punishable under the said Code, and for violations under Republic Act 7610, otherwise known as " Special Protection of Children Against Abuse, Exploitation and Discrimination Act", involving rights of children of Indigenous Communities which are punishable under said act, the following penalties for violations of any of the provisions of this Ordinance are hereby imposed as follows:

- (a) Any person liable under this Ordinance shall be punished by a fine of one thousand pesos (P 1,000.00) and imprisonment of five (5) days at the discretion of the court;
- (b) A second conviction, for any of the acts punishable under this Ordinance, shall be penalized by a fine of two thousand pesos (P2,000.00) and imprisonment for a period of not more than ten (10) days at the discretion of the court;
- (c) A third conviction and convictions thereafter for any acts punishable under this Ordinance shall be penalized by a fine of five thousand pesos (P5,000.00) and imprisonment of fifteen days (15) at the discretion of the court.

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Section 12. Exhaustion of Administrative Remedies. – Unless the Anti-Discrimination Mediation and Conciliation Board certifies in writing that a complaint for violation of any of the provisions of this Ordinance has been brought to its jurisdiction for mediation and conciliation purposes and that the same failed despite all diligent efforts, NO complaint or action of whatever kind- civil, criminal or administrative- shall be deemed actionable and proper for judicial, quasi-judicial, prosecutorial or administrative determination, except when the matter involves the right of women workers and employees contained in the Labor Code of the Philippines, in which case the provisions of the said Code shall apply, or unless the case falls within the coverage of Republic Act 7610, otherwise known as "Special Protection of Children Against Abuse, Exploitation and Discrimination Act", particularly those involving the rights of Children of Indigenous Cultural Communities, in which case the said Republic Act shall apply.

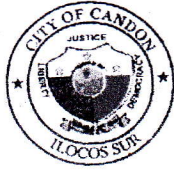
Section 13. Implementing Rules and Regulations. – Within sixty (60) days from the approval of this Ordinance, the City Government of Candon, through the City Legal Office, shall promulgate the Implementing Rules and Regulations which shall govern the Mediation and Conciliation Proceedings from filing of the complaint up to the issuance of the certificate mentioned in the immediately preceding section which Implementing Rules and Regulations shall be submitted to the Sangguniang Panlungsod for approval;

Section 14. Information Campaign. Within thirty (30) days from the approval of this Ordinance, the City Information Office shall conduct an information campaign to apprise the public of the provisions of this Ordinance;

Section 15. Separability Clause. – If, for any reason, any part, section or provision of this Ordinance is held invalid or unconstitutional, the remaining provisions not affected thereby shall continue to be in force and effect.

Section 16. Effectivity Clause. – This Ordinance shall take effect ten (10) days after the completion of its publication in a local newspaper of general circulation in the city and its posting in the Bulletin Board at the entrance of the City Hall and in two (2) other conspicuous places in the city whichever comes later, either the publication or posting.

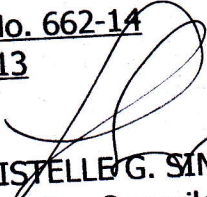
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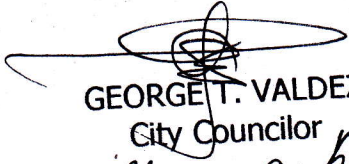


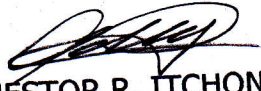
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CITY OF CANDON

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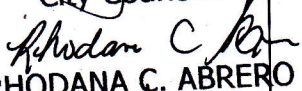
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KRISTELLE G. SINGSON
City Councilor



GEORGET T. VALDEZ
City Councilor



NESTOR R. ITCHON
City Councilor


ARISTEO V. VALDEZ
City Councilor



RHODANA C. ABRERO
City Councilor

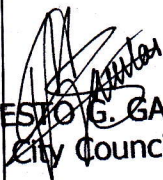

FLORENDO P. MANGASAR JR.
City Councilor


FREDELINO L. BALAGOT JR.
City Councilor



MA. CHARIMA F. BONA
City Councilor


AILEEN RHODA I. ACAL
City Councilor

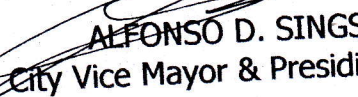

DAVID D. WAGAYEN
City Councilor


MODESTO G. GACUTAN
City Councilor

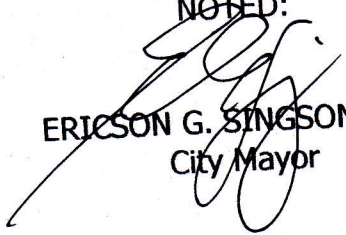
I HEREBY CERTIFY that this resolution was adopted by the Sangguniang Panlungsod during its regular session held at the City Session Hall on August 4, 2014.


JERRY B.A. MALAMION
Secretary to the Sangguniang Panlungsod

ATTESTED:


ALFONSO D. SINGSON
City Vice Mayor & Presiding Officer

NOTED:


ERICSON G. SINGSON, M.D.
City Mayor