



15TH SANGGUNIANG PANLUNGSOD

3RD SESSION
 REGULAR SESSION NO. 42
 (ONLINE)

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION
 HELD BY THE SANGGUNIANG PANLUNGSOD OF THE
 CITY OF CEBU ON JUNE 22, 2022.

PRESENT:

Vice-Mayor Donaldo C. Hontiveros	.....	Presiding Officer
Coun. Eduardo R. Rama Jr.	.....	President Pro Tempore
Coun. Raymond Alvin N. Garcia	.....	Majority Floor Leader
Coun. Phillip S. Zafra	.....	1 st Asst. Majority Floor Leader
Coun. Joel C. Garganera	.....	2 nd Asst. Majority Floor Leader
Coun. Nestor D. Archival Sr.	.....	Minority Floor Leader
Coun. Joy Augustus G. Young	.....	Asst. Minority Floor Leader
Coun. James Anthony R. Cuenco	.....	Member
Coun. Eugenio F. Gabuya Jr.	.....	Member
Coun. Jerry L. Guardo	.....	Member
Coun. Lea O. Japson	.....	Member
Coun. Franklyn O. Ong	.....	Member
Coun. Renato Z. Osmeña Jr.	.....	Member
Coun. Jocelyn G. Pesquera	.....	Member
Coun. Jessica P. Resch	.....	Member
Coun. David F. Tumalak	Member

ABSENT:

Coun. Alvin M. Dizon	Member
Coun. Prisca Niña O. Mabatid	Member



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RESOLUTION NO. 15-2536-2022

The Sangguniang Panlungsod of the City of Cebu, as moved by Councilor Resch and seconded by Councilor Japson,

RESOLVED, to approve the following ordinance authored by Councilor Jessica P. Resch:

ORDINANCE NO. 2660

“AN ORDINANCE RECOGNIZING LGBTIQ+ SECTOR AND CREATING THE CEBU CITY SOGIESC PRIDE EMPOWERMENT PROGRAM, CONSTITUTING THE SOGIESC PRIDE EMPOWERMENT COUNCIL (SPEC) AND APPROPRIATING FUNDS THEREFOR.”

WHEREAS, Article XIII, Section 1 (a) of the 1987 Philippine Constitution states that the enactment of measures that protect and enhance the right of the people to human dignity, reduce social, economic, and political inequalities and remove cultural inequities shall be given the highest priority;



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WHEREAS, the Philippines is a state party to several international agreements such as the Universal Declaration of Human Rights (UDHR), International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR), which recognizes people's basic human rights to develop its full potential;

WHEREAS, gender equality is one of the basic human rights that the City of Cebu aims to promote and a goal to achieve through this ordinance;

WHEREAS, this measure seeks to recognize the vibrant and visible LGBTIQ+ sector of the city and to eliminate barriers to their full development as individuals due to marginalization because of their sex characteristics, gender identity, gender expression, and sexual orientation; and

WHEREAS, this is a measure that grants LGBTIQ+ individuals relief from the daily constraints, discrimination, and violence they have been experiencing.

NOW THEREFORE, the Sangguniang Panlungsod of the City of Cebu, in a regular session assembled, hereby ordains, that:

Article I **Principles and Policies**

Section 1. **Short Title.** – This ordinance shall be known as, "AN ORDINANCE RECOGNIZING LGBTIQ+ SECTOR AND CREATING THE CEBU CITY SOGIESC PRIDE EMPOWERMENT PROGRAM, CONSTITUTING THE SOGIESC PRIDE EMPOWERMENT COUNCIL (SPEC) AND APPROPRIATING FUNDS THEREFOR IN CEBU CITY" or in short, "SOGIESC Equality" ordinance.

Section 2. **Declaration of Principles.** –

- a. The city recognizes that human beings, with their complexity, diversity, and fluidity, have each distinct sex characteristics, gender identity, gender expression, and sexual orientation of their own.
- b. The city affirms the worth and dignity of people of diverse sexual orientation, gender identity, gender expression, and sex characteristics as human beings.
- c. The city, therefore, upholds the rights of people of diverse sexual orientation, gender identity, gender expression, and sex characteristics as human rights.
- d. The city adheres to the basic principles of human rights, equality, equity, and equal access to resources and development as so declared under the 1987 Constitution, various national laws, and several international laws, conventions, and documents.

Section 3. **Principle of Human Rights.** – All human beings are free and equal in identity and rights. Human rights are characterized by universality, inalienability, indivisibility, and independence. No one, therefore, should suffer discrimination based specifically on a person's sexual orientation, gender identity, gender expression, or sex characteristics intersecting among other traits such as ethnicity, age, language, race, color, religion, political, or other opinions, national, social, or geographical origin, disability, property, birth, or another status.



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Section 4. **Declaration of Policies.** – Guided by the foregoing principles, the Local Government of Cebu City shall:

- a. Recognize the complex, multi-dimensional, and diverse aspects of a human being's spectra of sexual orientation, gender identity, gender expression, and sex characteristics.
- b. Respect, protect, fulfill, and promote all human rights and fundamental freedom of people of diverse sexual orientation, gender identity, gender expression, and sex characteristics.
- c. Promote the empowerment of individuals and pursue equal opportunities for people of diverse sexual orientation, gender identity, gender expression, and sex characteristics and ensure equal access to resources, and to development results and outcomes.
- d. Eliminate discrimination against those who have been marginalized because of their diverse sexual orientation, gender identity, gender expression, and sex characteristics.
- e. Endeavor to develop plans, policies, programs, measures, and mechanisms to address discrimination and inequality in the economic, political, civil, social, and cultural life of people of diverse sexual orientation, gender identity, gender expression, and sex characteristics.
- f. Provide the necessary mechanisms to promote gender equality and undertake all legal measures necessary to foster and promote the equal opportunity for people of diverse sexual orientation, gender identity, gender expression, and sex characteristics, to participate in and contribute to the development of the civil, political, economic, social, and cultural realms.

Article II **Definition of Terms**

Section 5. **Definitions.** – For purposes of this ordinance, the following terms are defined as follows:

- a. Constraints – a limitation or restrictions set to impede or hinder a person in the access and exercise of their rights.
- b. Women – are persons who identify specifically with feminine social roles and expectations.
- c. Men – are persons who identify specifically with masculine social roles and expectations.
- d. Gender – a socially constructed difference between and/or beyond the normative binary identities of men and women.

Differences are created artificially, partly through socialization and partly through positive and negative discrimination in the various institutions and structures of society through time; it may also characterize complex aspects of a person's sex characteristics, gender identity, gender expression, and sexual orientation.

- e. Gender Equality – a human right that demands a social order providing for equal treatment of men and women, regardless of sex characteristics, gender identity, gender expression, and sexual orientation, and equal opportunities for their full development without any discrimination.



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- f. Gender-based – about sex characteristics, gender identity, gender expression, and sexual orientation.
- g. Gender-Based Discrimination – any unequal treatment, unreasonable classification, exclusion, or restriction due to one's sex characteristics, gender identity, gender expression, and sexual orientation which results in the impairment or nullification of the recognition, enjoyment, or exercise of human rights and fundamental freedoms in the political, economic, social, cultural, civil, or any other field.
- h. Gender Expression – refers to the way that a person uses appearance, mannerisms, and other personal traits to communicate their gender (e.g. masculine, feminine, androgynous).
- i. Gender Identity – is the personal sense of one's gender. It can correlate with the sex assigned at birth, or can differ from it such as those classified as cisgender, transgender, or genderqueer.
- j. Intersectionality – the experience of being disadvantaged due to personal traits used as a source of oppression in varying configurations and varying degrees of intensity.
- k. LGBTIQ+ – is a compounded acronym to connote "the community" that is composed of a non-cisgender-straight dichotomy.
- l. Sex characteristics – refer to chromosomal, gonadal, and anatomical features of a person, which include primary characteristics such as reproductive organs, genitalia, and/or chromosomal structures and hormones; and secondary characteristics such as muscle mass, hair distribution, breasts, and/or stature; classified accordingly as male, female, intersex.
- m. Sexual Orientation – direction of one's sexual interest in the opposite sex, same or both sexes, or the lack thereof typified as:
 - 1. Heterosexuality – the attraction to the opposite gender;
 - 2. Homosexuality – the attraction to the same gender;
 - 3. Bisexuality – the attraction to both genders;
 - 4. Pansexuality – the attraction to another regardless of gender; and
 - 5. Asexuality – the lack of attraction to another gender.
- n. SOGIESC – an acronym to connote sexual orientation, gender identity, gender expression, and sex characteristics.

Article III **Dignity, Equality, and Self-Determination**

Section 6. **Right to Dignity.** – As human beings, people of diverse sexual orientation, gender identity, gender expression, and sex characteristics have a right to dignity.

Section 7. **Right to Equality.** – As human beings, people of diverse sexual orientation, gender identity, gender expression, and sex characteristics, are entitled to equality of treatment and just application of laws.

Section 8. **Right of Self-Determination.** – As human beings, people of diverse sexual orientation, gender identity, gender expression, and sex characteristics, has a right to freely make choices and decisions based on their dispositions of a personal circumstance, bodily integrity, and physical autonomy, such as but not limited to whom to love, to recognize and be recognized of its



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gender, how one communicates its gender and/or uniquely different biological makeup, that directs them in the pursuit of a better, fuller, and happy life.

Article IV **Offensive Acts**

Section 9. **SOGIESC- Based Violations Against dignity.** – The following are considered as SOGIESC-based contemptuous acts committed against individuals resulting in or thorough disregard of their right to respect, privacy, and dignity:

- a. Maliciously humiliating in public an individual due to the person's sexual orientation, gender identity, gender expression, and sex characteristics and/or civil status whether said, done, or written in a comical or serious manner.
- b. Maliciously inflicting physical harm on the individual due to the person's sexual orientation, gender identity, gender expression, and sex characteristics.
- c. Vexing, harassing, threatening the individual, either physically, verbally, in writing, or for publications about the person's sexual orientation, gender identity, gender expression, and sex characteristics.
- d. Continuously subjecting the individual to jokes, pranks, and humor due to the person's sexual orientation, gender identity, gender expression, and sex characteristics whether said, done, or written, despite the demand to discontinue.

Section 10. **SOGIESC-Based Discrimination.** – The following are considered SOGIESC-based discrimination in this ordinance:

- a. Invasion of personal autonomy and self-development – imposing rules or policies that are personal and include areas that only concern the individual decision to himself such as but not limited to 'No Cross-dressing' and Haircut Policies.
- b. Constraints in the access to government services and resources – No person shall be denied access to government basic services, assistance, resources, and information due to a person's sex characteristics, gender identity, gender expression, and sexual orientation.
- c. Constraints to economic opportunities – No person shall be denied access to capability building and livelihood opportunities due to a person's sex characteristics, gender identity, gender expression, and sexual orientation. With regards to labor and employment, no person shall be dismissed from work because of one's sex characteristics, gender identity, gender expression, and sexual orientation; further, no person shall receive a different salary or wage or compensation benefits solely on the bases of sex characteristics, gender identity, gender expression, and sexual orientation.
- d. Constraints to the access to health, care, and wellness due to a person's sex characteristics, gender identity, gender expression, and sexual orientation.
- e. Constraints in the access to education and learning due to a person's sex characteristics, gender identity, gender expression, and sexual orientation.
- f. Constraints in the access of accommodation, facilities, utilities, transportation, goods, and services open to the public due to a person's sex characteristics, gender identity, gender expression, and sexual orientation.



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- g. Constraints to the government recognition, registration, accreditation, and licensing due to a person's sex characteristics, gender identity, gender expression, and sexual orientation.
- h. Constraints to accessing consultative and other political processes – No person shall be denied his/her right to participation, expression of his/her opinion on a public issue and/or be denied his/her involvement in any political process due to his/her sex, gender, and sexual orientation.

Section 11. **Penalties.** – Any violations under Sections 9 and 10 are penalized as follows:

- a. Penalties for SOGIESC-based Violations against Dignity – The acts falling under Section 9 in paragraphs A and B shall be punishable by 6 months imprisonment and/or a fine of Five thousand pesos (P5,000.00), while the acts described in paragraphs C and D shall be punishable by 3 months imprisonment and/or a fine of Three thousand pesos (P3,000.00), or both, at the discretion of the court.
- b. Penalties for SOGIESC-based Discrimination – The acts falling under Section 10 shall be punishable by six months of imprisonment and/or Five thousand pesos (P5,000.00), or both, at the discretion of the court. Should a business entity or its branch be sued, the president, the immediate manager, and/or supervisor/department head shall be held liable for the erring employee.

Article V **SOGIESC Programs**

Section 12. **Programs, Projects, and Other Activities.** – The City of Cebu thru the city's SOGIESC Pride Empowerment Council (SPEC) shall sponsor training, seminars, advocacy events, and other projects in areas of but not limited to SOGIESC's active participation, sustainable sectoral development and empowerment, equitable access to quality education, competitiveness in economic opportunities, support for environmental protection, climate change adaptation, disaster risk reduction and resiliency, health and anti-drug abuse, gender equality and sensitivity, social protection, capacity-building, and sports development that builds capacities of SOGIESC Communities to further individual and sectoral development that can contribute the promotion of SOGIESC equality and sensitization. Shall further observe the commemoration of landmark events significant to the LGBTIQ+ community.

Section 13. **Information, Education, Campaign.** – The City of Cebu thru its Gender and Development Council or its Secretariat, the Gender and Development Office, and SOGIESC Pride Empowerment Council shall undertake information dissemination activities to raise the awareness of and sensitivity of the public to SOGIESC issues.

Section 14. **Databank.** – The Secretariat shall endeavor data generation to determine the specific needs of the members of the sector as prescribed by the data privacy laws.

Section 15. **Associations.** – The City of Cebu shall encourage the establishment of associations of individuals of various sexual orientations, gender identity, gender expression, and sex characteristics with the end that they become partners with the local government towards progress and development.



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Section 16. **Assistance to Associations through Accreditation.** – Subject to the usual accounting rules and audit procedures, said associations may receive assistance from the city for its various SOGIESC equality promotion projects provided that the same is in accord with the city's GAD plan.

Article VI
City SOGIESC Pride Empowerment Council
(SPEC)

Section 17. **Creation.** – The Cebu City Government shall establish an office to implement the programs set in this ordinance to be known as SOGIESC Pride Empowerment Council (SPEC).

Section 18. **Functions.** – The SOGIESC Pride Empowerment Council (SPEC) shall discharge the following functions:

- a. Serve as the core advocacy on SOGIESC Empowerment and development;
- b. Finalize a 3-year Strategic Plan anchored in the city's GAD plan;
- c. Monitor and evaluate the implementation of the Strategic Plan; and
- d. Draft and recommend policies and perform such other functions as may be prescribed by law and in furtherance of this ordinance.

Section 19. **Composition.** – The SOGIESC Pride Empowerment Council (SPEC) shall be composed of the following:

- a. Mayor or its authorized representative;
- b. Chairperson, Committee on Social Welfare Services;
- c. Liga ng mga Barangay President;
- d. Sangguniang Kabataan (SK) Federation President;
- e. Head, Department of Social Welfare Services;
- f. Department of Education (DepEd)-City Division;
- g. Head, Gender and Development (GAD) Focal;
- h. City Health Officer;
- i. Cebu City Police Officer;
- j. City-wide GAD Federation President;
- k. City-wide SPEC Federation;
- l. One SOGIESC Community-based Association;
- m. One SOGIESC Workplace Association;
- n. One SOGIESC Students Association;
- o. Ex-Officio;
- p. Commission on Human Rights; and
- q. Committee on Women's and Family Affairs

Section 20. **Meeting.** – The Council shall meet monthly at the minimum for developing the Council's plans and evaluation.

Section 21. **The Secretariat.** – There shall be a Secretariat office which shall be headed by an Executive Director with a rank of at least a division chief. Such may be put under the Office of the



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Mayor. The local chief executive may designate personnel whom she/he deems fit to serve the purpose of the ordinance.

Section 22. **The Function of the Secretariat.** – The Secretariat shall have the following functions:

- a. Accredit all SOGIESC organizations in the city;
- b. Provide technical assistance to SPEC in the formulation of its three (3) years Strategic Plan;
- c. Facilitate SPEC meetings;
- d. Implement programs, plans, and activities in accordance with the Strategic Plan and the ordinance;
- e. Provide technical and logistical support in the conduct of capacity-building training and other projects;
- f. Provide technical assistance and monitor implementation to barangay SPECs; and
- g. Perform such other functions as may be prescribed by law, ordinance, or as the local chief executive may require.

Article VII

SOGIESC Pride Empowerment Council (SPEC) in Barangays

Section 23. **Establishment of SPEC in Cebu City Barangays.** – Barangays under the jurisdiction of the city shall create, determine the composition and convene their respective Barangay's SPEC six months after the approval of the ordinance.

Section 24. **Barangay SPEC Functions.** – The Barangay SOGIESC Pride Empowerment Council (SPEC) shall discharge the following functions:

- a. Serve as the core advocacy on SOGIESC empowerment and development in the barangay;
- b. Finalize a three-year Strategic Plan anchored in the barangays' GAD plan;
- c. Monitor and evaluate the implementation of the Strategic Plan; and
- d. Draft and recommend policies and perform such other functions as may be prescribed by law and in furtherance of this ordinance.

Section 25. **Composition.** – The Barangay SOGIESC Pride Empowerment Council (SPEC) shall be composed of the following:

- a. Barangay Captain;
- b. Chairperson, Committee on Social Welfare Services;
- c. Chairperson, Committee on Health;
- d. Gender and Development Focal Person;
- e. Representative, Lesbian Group;
- f. Three representatives from LGBT Group; and
- g. Committee on Women's and Family Affairs.



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Section 26. **SPEC Officer.** – There shall be a SPEC Officer which the barangay Local Chief Executive may designate personnel whom she/he deems fit to serve the purpose of the ordinance.

Section 27. **Barangay SPEC Officer Functions.** – The SPEC Officer shall have the following functions:

- a. Organize SOGIESC organizations in their respective barangay.
- b. Facilitate accreditation of the barangay SOGIESC organization at the City SPEC Secretariat.
- c. Conduct activities to formulate Barangay SPEC 3 years Strategic Plan.
- d. Facilitate SOGIESC organization's meeting.
- e. Implement programs, plans, and activities with the SOGIESC organization in accordance with the Strategic Plan and the ordinance.
- f. Provide logistical support in the conduct of capacity-building training and other projects of SOGIESC advocacy in the barangay.
- g. Perform such other functions as may be prescribed by law, ordinance, or as the barangay local chief executive may require.

Article VIII
Final Provisions

Section 28. **Appropriations.** – The amount of Three million pesos (P3,000,000.00) at the minimum shall be the source from the Gender and Development budget fund annually for the implementation of this measure.

Section 29. **Implementing Rules and Regulations.** – The City Legal Office with the designated City SPEC Executive Director shall promulgate the rules and regulations pursuant to this ordinance within 60 days after the passage.

Section 30. **Separability Clause.** – If any of the provisions of this ordinance is declared invalid, the other provisions not affected shall remain in full force and effect.

Section 31. **Repealing Clause.** – All ordinance provisions inconsistent with this measure are hereby repealed.

Section 32. **Effectivity.** – This ordinance shall take effect after 15 days following its complete publication in a newspaper of general circulation.

CARRIED UNANIMOUSLY.

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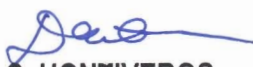
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I hereby certify the correctness of this resolution/ordinance.


CHARISSE L. PIRAMIDE
Secretary to the
Sangguniang Panlungsod

ATTESTED:


DONALDO C. HONTIVEROS
Presiding Officer

APPROVED:


MICHAEL L. RAMA 8/9/2022
City Mayor

camc/tem