



Republic of the Philippines
BARANGAY GREATER LAGRO
Novaliches, Quezon City



Ordinance # RG- 005, Series of 2014

**AN ORDINANCE DECLARING UNLAWFUL ANY ACT/S AND
CONDUCT OF DISCRIMINATION DIRECTED AGAINST ANY
PERSON/S BASED ON HIS GENDER IDENTITY, GENDER
EXPRESSION AND/OR SEXUAL ORIENTATION PARTICULARLY
BUT NOT LIMITED TO LESBIANS, GAYS, BISEXUALS AND
TRANSGENDERS (LGBT)**

Sponsored by: Honorable Council Members
MA. LUCKY ROLYNNE ELISSE M. TIANGCO

Co-Sponsored by: Honorable Council Members
ROMEO S. BUENAFE, Jr.
LEO B. GARRA, Jr.
BENJAMIN C. PANGILINAN
ABELARD T. LANGCAY, DDM
CRISENTE ALBERT B. PEDRO
JAN EDWARD V. TOLENTINO

WHEREAS, it has been observed that the Philippine Constitution of 1987 promotes social justice in all phases of national development, values the dignity of every human person and guarantees full respect for human rights;

WHEREAS, the state had passed numerous Republic Acts to protect the rights of any individual such as follow:

1. Republic Act 7610 – Special Protection of Children Against Abuse, Exploitation and Discrimination Act;
2. Republic Act 9710 - Magna Carta of Women;
3. Republic Act 9262 - Anti Violence Against Women and Their Children Act of 2004;
4. Republic Act 9344 - Juvenile Justice and Welfare of 2006;
5. Republic Act 8972 – Solo Parent Welfare Act of 2000;
6. Republic Act 10361 - Domestic Workers Act (Batas Kasambahay);
7. Republic Act 7277 – Magna Carta for Disable Person;
8. Republic Act 7877 - Anti Sexual harassment Act of 1995;

But to date, no Republic Act had been passed into law that will promote anti-discrimination directed against any person based on his gender identity, gender expression and/or sexual orientation;

WHEREAS, though the Quezon City had an Ordinance # SP 1309, Series 2003, entitled ‘An ordinance prohibiting All Acts of Discrimination Directed Against Homosexuals In Any Office in Quezon City, Whether in the Government or in the Private Sector, and Providing Penalties for Violation Thereof.’, only dwells on the rights on employment of LGBTs;

WHEREAS, Ordinance # SP- 1401, Series of 204 entitled ‘An Ordinance Providing for a City Gender and Development Code and For other Purposes’, is more focus on the right of Women to be protected;

WHEREAS, in spite of the fact that the LGBT sectors suffered from so much discrimination of various forms, no laws protecting their Human rights had been legislated to date;

WHEREAS, under the General Welfare Clause or Section 16 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, every local government unit shall exercise the powers expressly granted, those necessarily implied there from, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare. Within their respective territorial jurisdiction, local government units shall ensure the support, among other things, xxx, promote health and safety, xxx, improve public morals, xxx, maintain peace and order and preserve the comfort and convenience of the inhabitants;

**BE IT ORDAINED BY THE BARANGAY COUNCIL OF GREATER LAGRO IN
A SESSION ASSEMBLED:**

Section 1. TITLE.

This Ordinance shall be known as the Barangay Greater Lagro Anti LGBT Discrimination Ordinance;

Section 2 DECLARATION OF POLICY

It is hereby declared that the Barangay Greater Lagro shall value the dignity of all persons, upholds and protects their human rights and ensures to be free from any form of inequality, regardless of his/her gender identity or social orientation particularly but not limited to the being a Lesbians, Gays, Bisexual and/or Transgender (LGBT);

Section 3. DEFINITION OF TERMS

The following words and phrases, when used in this Article, shall have, unless the context clearly indicates otherwise, the meanings given to them in this section.

3.1 Discrimination – any act that a person is being withhelds from, excludes, restricts, curtails, demeans human dignity or otherwise impair the recognition, enjoyment and/or exercise of a right or basic freedom, of another, to which others similarly exercise, delivery of basic goods and services, on the basis of gender identity and sexual orientation;

3.2. Gender - refers to the attitudes, feelings, and behaviors that a given culture associated with a person's biological sex. Behavior that is compatible with cultural expectations is referred to as gender-normative; behaviors that are viewed as incompatible with these expectations constitute gender non-conformity

3.3. Gender expression – refers to ways in which a person acts to communicate gender within a given culture; such as but not limited to, in terms of clothing, communication patterns and interests. A person's gender expression may or may not be consistent with socially prescribed gender roles, and may or may not reflect his or her gender identity”

3.4. Gender Identity- refers to a person having the emotional and psychological characteristics of the opposite sex as shown by, among others, his/her behavior and sexual attraction to members of his/her own sex, or to both sexes, whether he/she be a gay, lesbian, transsexual or bisexual;

3.5. Gender Based violence – refers to an act that encompasses but not limited to:

1. Physical, sexual, psychological and economic violence occurring in the family, including battering, sexual abuse, and other traditional practice harmful to any member of the family and violence related to exploitation;
2. Physical, sexual, and psychological violence occurring within the general community, including sexual harassment use of demeaning words or expressions and intimidation at work, in educational institutions and elsewhere;

3.6. Sexual orientation - refers to the sex of those to whom one is sexually and romantically attracted. Categories of sexual orientation typically included attraction to members of one's own sex (gay men or lesbians), attraction to members of the other sex (heterosexuals), and attraction to members of both sexes (bisexuals). While these categories continue to be widely used, research has suggested that sexual orientation does not always appear in such definable categories and instead occurs on a continuum;

3.7. Violence Against Lesbians, Gays, Bisexuals and Transgenders (LGBTs) – refers to all violence directed against LGBTs because of sexual orientation and gender identity; includes acts that inflict physical, mental or sexual harm and suffering, threats of such acts, coercion, and other deprivations of liberty, violence, harassment, discrimination, exclusion, stigmatization and prejudice directed against a person because of sexual orientation , gender identity or gender expression;

Section 4. ACTS OF DISCRIMINATION, HOW COMMITTED:

Discrimination is being committed when a person is being withheld from, excludes, restricts, curtails, demeans human dignity or otherwise impair the recognition, enjoyment and/or exercise of a right or basic freedom, of another, to which others similarly exercise, delivery of basic goods and services, on the basis of gender identity and sexual orientation; The following constitute acts of discrimination are likewise punishable:

1. By refusing to provide goods or services and/or imposing onerous terms or conditions as requisite for providing goods or services to a person which are not refused or subjected to such onerous terms or conditions when extended to others similarly situated, by reason of gender identity, gender expression and sexual orientation;
2. By refusing to allow any LGBT to avail of quarters or accommodation in a house, apartment, condominium, townhouse, flat, hotel inn, dormitory or any other places within the Area of Jurisdiction of Barangay Greater Lagro that is being rented out or offered to the public for a fee, rental or other form of compensation, just because of their gender identity/expression and/or sexual orientation;
3. By subjecting any individual belonging to the LGBT sector to any verbal or written words or publication, to ridicule, humiliate and or insult;
4. By refusing to admit and/or serve in any restaurant, bars, stores, and any business establishment offering entertainment or services to any LGBT, and/or refusing serve or fail to attend to the orders for the services offered by the establishment by reason of his/her being a LGBT;
5. By doing any gesture to demean the dignity and respect of other to any individual who is a LGBT, or call him names that will connote his gender identity or sexual orientation instead of his name such as but not limited to, 'Bakla, Bading, Tombi, Binabae, Syokla;

Section 5. PERSON LIABLE

Any person, natural or juridical, who violate any provision of this Ordinance shall be held criminally liable therefore, will be penalized accordingly, provided that in a juridical person, the manager, head or the owner thereof shall be held criminally accountable and responsible;

Section 6. PENALTY:

1 st offense	-	P200.00
2 nd offense	-	P500.00
3 rd offense	-	P1000.00 or imprisonment or both upon the discretion of the court

Section 7. LGBT MEDIATION AND CONCILIATION BOARD

A Mediation and Conciliation Board will be created which is hereby being authorized and tasked to receive complaints concerning violation of any provision of this ordinance, notify the parties concerned of the same, and mediate or conciliate the parties differences with the end and view of avoiding/preempting judicial, quasi-judicial, prosecutorial and administrative action is avoided.

If the victim of discrimination suffered gender-based violence/ violence against lesbians, gays, bisexuals and transgender (LGBTs) and abuse that needs counseling, medico-legal, legal, psychological, and after-care services, he will be referred to the Quezon City Protection Center for Victims of Gender-Based Violence and Abuse, for which the center ensure that the needs of the victim/s is/are fully addressed in a gender-responsive manner;

If the Board failed to mediate/conciliate despite all efforts were exhausted, the penalty enumerated on the Penalty Clause of this ordinance shall take effect and the matter is referred to the Lupong Tagapamayapa for purpose of issuing Certificate to File Action in Court.

The Mediation and Conciliation Board will be composed of the following:

1. Mediation Board:
Punong Barangay
Committee Chairperson on Women, Family and Human Rights

GAD Focal Person
BCPC Focal Person
Barangay Secretary as the Mediation Secretary

2. **Conciliation Board**

Lupon Head
Barangay Human Rights Officer
Barangay Public Affairs Officer
Barangay BPSO Ex- Officer
Lupon Clerk – as the Conciliation Secretary

Section 8. REPEALLING CLAUSE

All Barangay ordinances, resolution, executive orders, directives, and implementing rules and regulations inconsistent with the provisions of this Ordinance are hereby accordingly repealed;

Section 9. SEPARABILITY CLAUSE

If for any reason, or reasons, any provision of this Ordinance is declared invalid or unconstitutional, other parts or provisions hereof shall continue to be in full force and effect.

Section 9. EFFECTIVITY

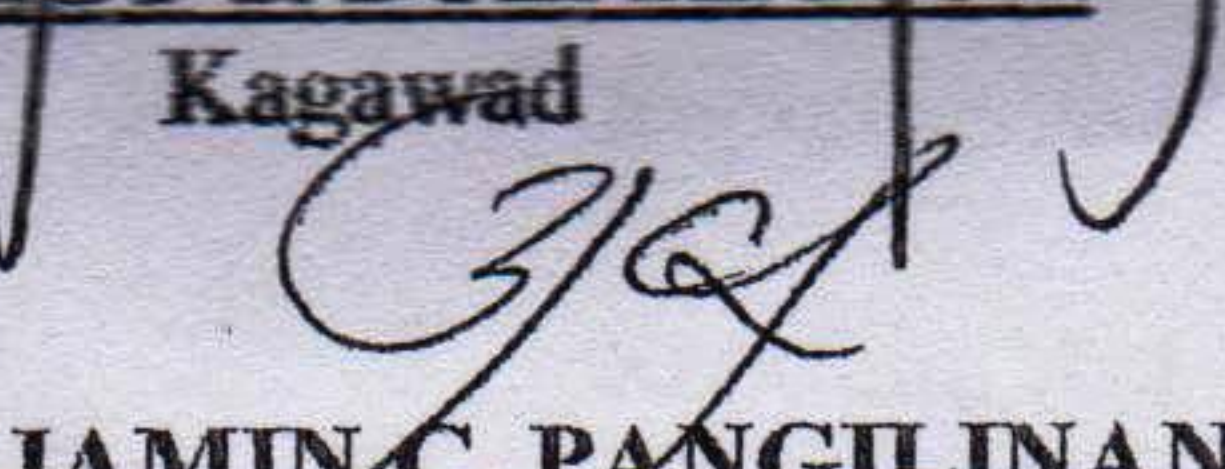
This ordinance shall take effect upon the approval/confirmed/passed in review by the City Council.

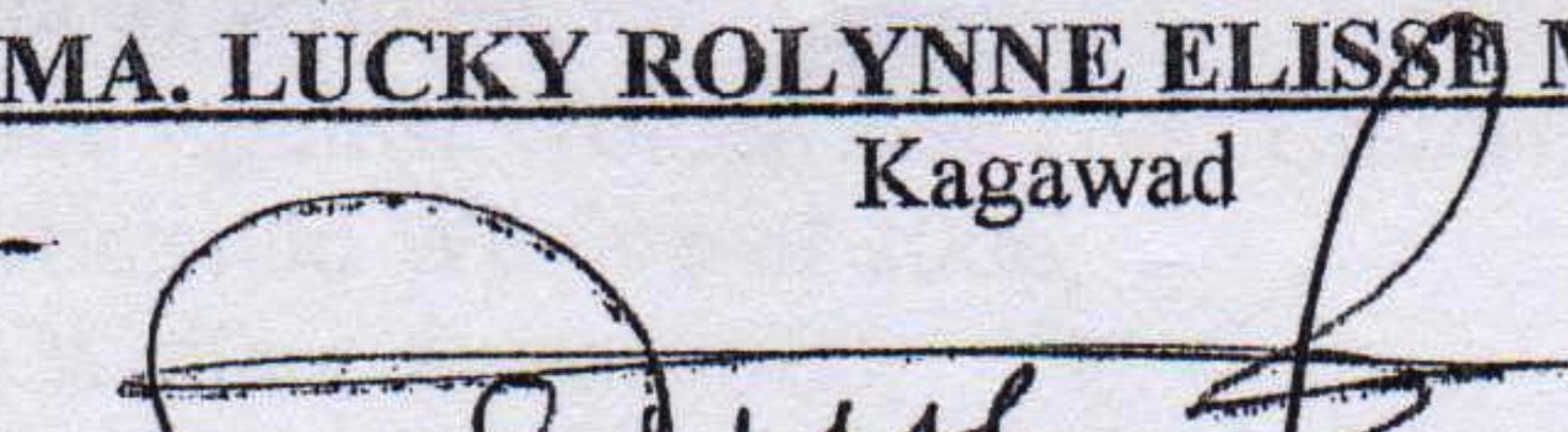
ENACTED, by the Sangguniang Barangay of Greater Lagro, in a regular session called and held at the Barangay Hall of Greater Lagro, Novaliches, Quezon City, on June 16, 2014.


Atty. RENATO U. GALIMBA
Punong Barangay

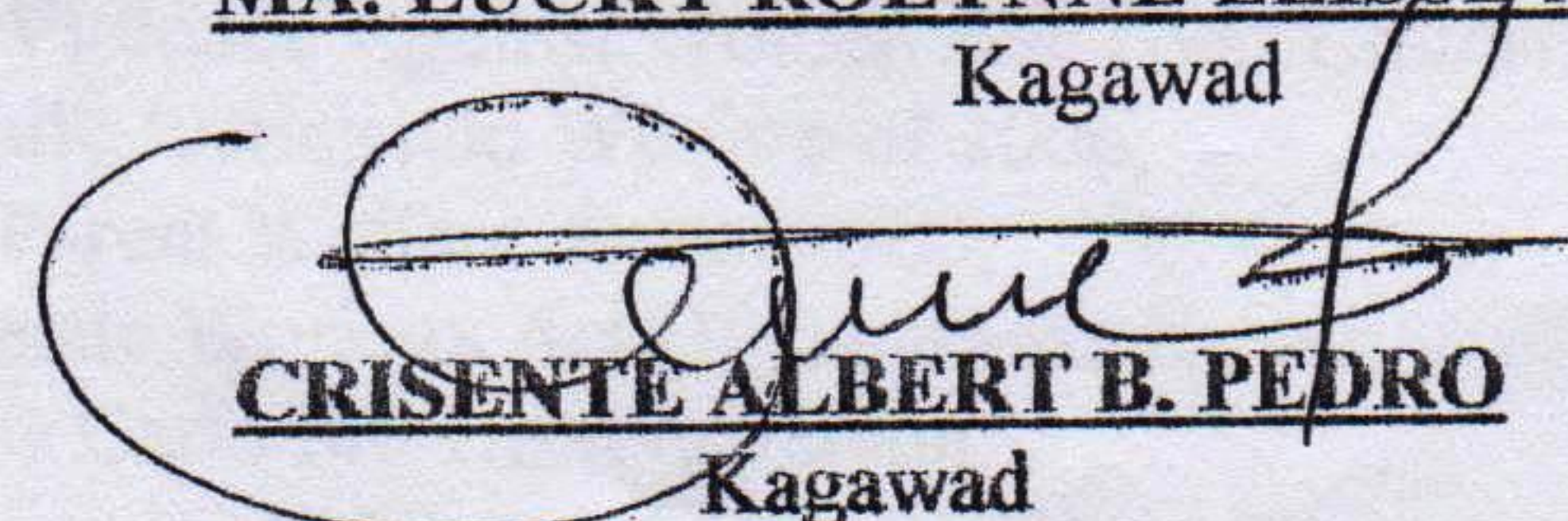

ROMEO S. BUENAFE, JR.
Kagawad



LEO B. GARRA, Jr.
Kagawad


BENJAMIN C. PANGILINAN
Kagawad


MA. LUCKY ROLYNNE ELISSE M. TIANGCO
Kagawad


DR. ABELARD T. LANGCAY, DDM
Kagawad

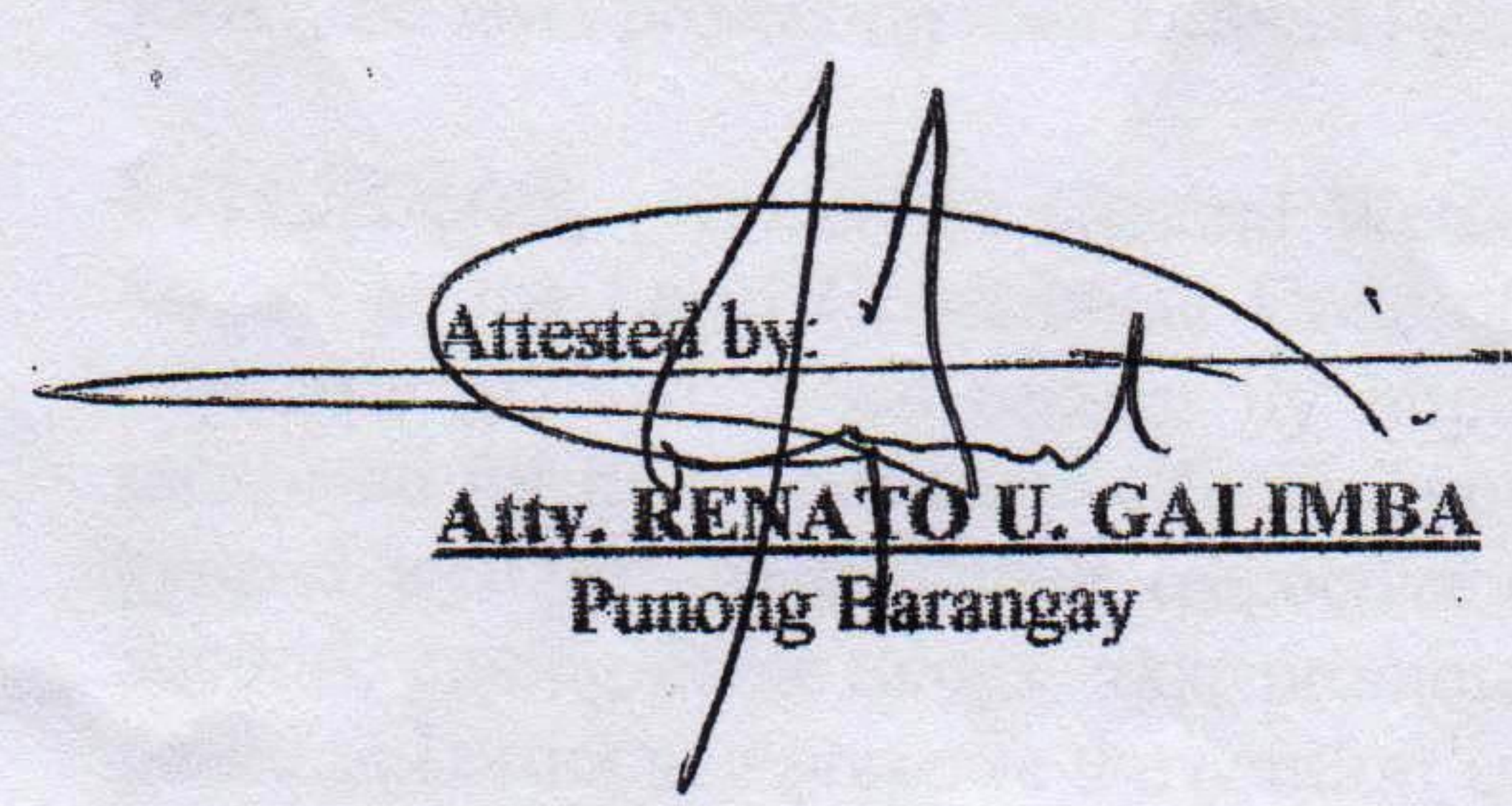

CRISENTE ALBERT B. PEDRO
Kagawad

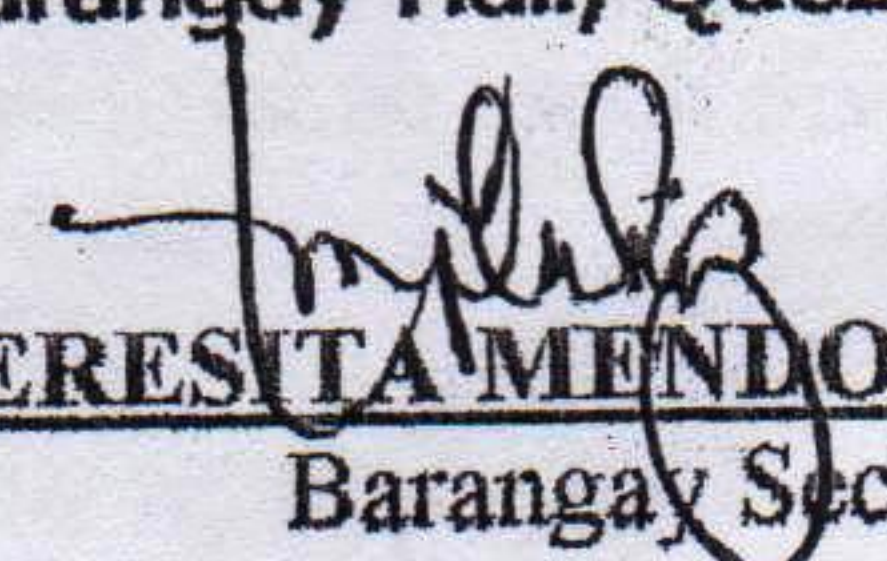

JAN EDWARD V. TOLENTINO
Kagawad

CERTIFICATION

I HEREBY CERTIFY to the correctness of the foregoing Barangay Ordinance No. 005, Series of 2014 entitled 'AN ORDINANCE DECLARING UNLAWFUL ANY ACTS AND CONDUCT OF DISCRIMINATION DIRECTED AGAINST ANY PERSONS BASED ON HIS GENDER IDENTITY, GENDER EXPRESSION AND/OR SEXUAL ORIENTATION PARTICULARLY BUT NOT LIMITED TO LESBIANS, GAYS, BISEXUALS AND TRANSGENDERS (LGBT)' during the regular session held on the 16th day of June, 2014 at the Barangay Hall, Quezon City.

Attested by:


Atty. RENATO U. GALIMBA
Punong Barangay


TERESITA MENDOZA-LAHIP
Barangay Secretary