



EXCERPT FROM THE JOURNAL OF THE 109TH REGULAR
SESSION HELD BY THE SANGGUNIANG PANLUNGSOD
AT THE HALL OF FAME ON FEBRUARY 10, 2016

PRESENT:

Hon. Glenn O. Bercede	Vice Mayor/Presiding Officer
Hon. Emmarie M. Ouano-Dizon	Pro Tempore President
Hon. Jose Jefferson C. Ceniza	SP Member
Hon. Diosdado P. Suico	Floor Leader
Hon. Editha Flores-Cabahug	SP Member
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Hon. Jimmy C. Lumapas	SP Member
Hon. Demetrio C. Cortes, Jr.	SP Member
Hon. Elstone C. Dabon	SP Member
Hon. Benjamin H. Basiga	SP Member

ON OFFICIAL BUSINESS:

Hon. Ernie N. Manatad	President/Liga ng mga Barangay
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ORDN. # 13-2016-1083

ANTI-DISCRIMINATORY ORDINANCE FOR PEOPLE OF
DIVERSE SEXUAL ORIENTATION, GENDER IDENTITY AND
GENDER EXPRESSION

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 highest priority;

WHEREAS, Article II, Section 11 of the 1987 Philippine Constitution likewise states that the State values the dignity of every human person and guarantees full respect for human rights. Furthermore Article III, Section 1 of the Constitution guarantees that "no person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the law;



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WHEREAS, the Philippines is 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), Convention on Elimination of All Forms of Discrimination Against Women (CEDAW), Convention on the Elimination of All Forms of Racial Discrimination (CERD), Convention Against Torture (CAT), Convention on the Rights of Persons with Disabilities (CRPD) and the Yogyakarta, Principles which instruments aim to eliminate all of forms of discrimination and abuse;

WHEREAS, on 17 June 2011, the UN Human Rights Council (HRC) adopted Resolution 17/19 (Human Rights, Sexual Orientation and Gender Identity), which paved the way for the United Nations Office of the High Commissioner for Human Rights (OHCHR) to issue the first UN report in human rights and sexual orientation and gender identity (SOGI). In the report, evidence of the discrimination faced by people because of their sexual orientation or gender identity was presented, including inequities in employment, access to health treatment, care, and support (TCS), and education, as well as criminalization, physical violence and murder (OHCHR 2011). High Commissioner Navi Pillay challenged UN member states to help write new chapter in UN history by ending discrimination faced by people of diverse sexual orientation and gender identity and expression;

WHEREAS, people of diverse sexual orientation and gender identity/expression (SOGIE) are target of physical and verbal assaults that effect economic, cultural, social, health well-being;

WHEREAS, pursuant to the democratic precept which places high premium on the importance of fundamental human rights and entitlements, every person must be given equal access to opportunities in all fields of human endeavors and to equitable sharing of social and economic benefits for them to freely exercise the rights to which they are rightfully entitled free from any prejudice and discrimination;

WHEREAS, according to research conducted by the Philippine LGBT Hate Crime Watch of the 141 documented cases of hate crimes from 1996 to 2011, ninety-five (95) cases involved gay men, twenty six (26) involved



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transgender people, sixteen (16) involved lesbian and four (4) bisexual. From an average of ten (10) lesbian, gay, bisexual and transgender (LGBT) people murdered between 1996-2008 from number has risen to twelve in 2009, 26 in 2010 and 27 from January to May 2011;

WHEREAS, people of diverse sexual orientation and gender identity/expression (SOGIE) continue to experience stigma, prejudice and discrimination; this stigma is manifested in actions such as: bullying, teasing and harassment of people of diverse SOGIE children, adolescents in families, schools, and communities; media portrayal of people of diverse SOGIE as frivolous, untrustworthy and even dangerous or predatory; pigeonholing people of diverse SOGIE into limited roles and occupations curtailing their rights to participate in the political sphere;

WHEREAS, on September 26, 2014 the UN Human Rights Council adopted a resolution for violence against people of diverse sexual orientation and gender identity/expression (SOGIE) and discrimination expressing grave concern at acts of violence and discrimination committed against individuals based in their sexual orientation and gender identity/expression and upholding the rights of the people of diverse SOGIE. The Philippines was among the twenty-five countries that voted "yes" in this landmark UN resolution;

WHEREAS, promoting and upholding their rights will not only enhance their freedom, welfare and dignity as humans, but will also promote social injustice as a whole and will contribute in the creation of a human rights culture in the country;

WHEREAS, people of diverse sexual orientations and gender identities/expressions should be recognized as a sector of society;

WHEREAS, stigma and discrimination still pervades and at worst, abuse and violence are left undocumented especially against people with diverse sexual orientation and gender identities;

WHEREAS, there are sexual orientation and gender identity/expression (SOGIE) – specific program created to address the health needs of the people of diverse sexual orientation and gender identity/expression sector. Furthermore, in the latest IHBSS data key



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populations, as key affected populations, Cebu province has rising incidence of HIV;

WHEREAS, elderly LGBTIQAPS, destitute and abandoned presently has no existing care home to attend to their welfare.

The THIRTEENTH SANGGUNIANG PANLUNGSOD of MANDAUE, with members in session duly assembled, hereby ORDAINS that:

ARTICLE I

TITLE, POLICY, PRINCIPLES AND DEFINITION OF TERMS

SECTION 1. *Title.* – This Ordinance shall be known and cited as the “**Anti-Discriminatory Ordinance for People of Diverse Sexual Orientation and Gender Identity and Expression**”.

SECTION 2. *Declaration of Policy.* – It is hereby declared as a policy of the City of Mandaue to promote human rights, equality and non-discrimination as enshrined in the Bill of Rights and other existing laws as well as in the various international conventions and obligations to which the country adheres.

SECTION 3. *Related and Guiding Principles in the Recognition of People of Diverse Sexual Orientation and Gender Identities.* –

- a.) The rights of the people of diverse sexual orientation and gender identity/expression (SOGIE) as citizens equally stipulated in the Constitution and other laws shall be upheld at all times;
- b.) Every people of diverse SOGIE has the right to be informed of their inherent rights as stipulated in the Constitution and other related laws;
- c.) Every people of diverse SOGIE has the right to bodily integrity and to the means necessary for the proper development of life, particularly food, clothing, shelter, medical care, rest, and finally, the necessary social services;



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- d.) Every people of diverse SOGIE has the right not to be discriminated, intimidated, abused, or humiliated;
- e.) Every people of diverse SOGIE has the right to quality and responsive education;
- f.) Every people of diverse SOGIE has the right to assemble, and to freely and fully participate in the political processes of their community and country;
- g.) Every people of diverse SOGIE has the right to economic development based on the precepts of justice and equity;
- h.) Every people of diverse SOGIE right is coupled with a moral and legal obligation that one should fulfill;
- i.) Every people of diverse SOGIE has the right to exercise freedom of religion, ideology, philosophy so as it does not infringe the rights of others;
- j.) Every people of diverse SOGIE has the right to self-determination of one's sexual orientation or one's gender identity;
- k.) Every people of diverse SOGIE shall have the right to found a family and the right to adopt and shall be respected as an alternative form of family;
- l.) Every people of diverse SOGIE, shall be innocent until proven guilty under the due process of the law;
- m.) Every people of diverse SOGIE shall be covered by the social justice provisions of the fundamental law ensuring improved quality of life.

SECTION 4. *Definition of Terms.* – For the purpose of this Ordinance, the following terms shall be defined as follows:



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- a. **Gender** – is the range of characteristics pertaining to the attitudes, feelings, and behaviors that a given culture associates with a person’s biological sex or gender identity.

- b. **LGBT/LGBTIQ/LGBTIQAPS** – is the acronym for a diverse and complex range of identities based on SOGIE. This term refer(s) to all gender and forms of sexuality of non-conforming people, including but not limited to lesbian, gay, bisexual, transgender, intersex, queer, asexual, agender, bigender, pangender, polygender, pansexual, polysexual, o-spirit, and straight people.
 - b.1. **Lesbian** – is a woman whose emotions, sexuality and romance are catered to people with a female gender identity;

 - b.2. **Gay** – is an all-encompassing term used to describe people who are homosexual. People whose gender identity are either male or female but pertain to men who are sexually, emotionally and romantically attracted to the same sex belong to this spectrum.

 - b.3. **Transgender** – is a person whose gender identity and/or gender expression is different to one’s assigned sex or socially assigned gender role;

 - b.4. **Intersex** – is the variation of sex characteristics based on the number of chromosomes, type of gonads and external and internal genitalia that do not conform to the distinct socially assigned male or female biological sex.

 - b.5. **Queer / Genderqueer / Gender Non-Binding / Gender Non-Binary** – is the umbrella term for sexual orientation and gender identities that are not part of the heterosexual or cis-gender spectrum, is the catch all category for gender identities that do not conform to the binary gender roles, that overlap



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different gender identities, or people who have two or more genders.

- c. **Sexual Orientation** – is understood to refer to each person’s capacity for profound emotional, affectional, romantic and sexual attraction to, intimate and sexual relations which is also proven to be psychologically, mentally and biologically driven.
- d. **Bisexual** – is an individual who is sexually, emotionally, and romantically attracted to either two gender identities or gender expressions.
- e. **Heterosexual** – is an individual with the capacity to be romantically, emotionally and sexually attracted to the person of the opposite sex. Also referred to as “straight”.
- f. **Homosexual** – is an individual with the capacity to have sexual, emotion and romantic powerfully evoked interest to the person of the same sex
- g. **Gender Identity** – is understood to refer to each person’s deeply felt internal and individual experience of gender (man, woman or otherwise), which may or may not correspond with the sex assigned at birth (transgender), including the personal sense of body (which may involve, if freely chosen, modification of bodily appearance or function by medical, surgical, or other means, as in the case of Transsexuals). This is a person’s private sense and subjective experience of their own gender.
- h. **Transsexual** – refers to a person who experiences an opposite gender identity of the sex they were born as and the gender they identify as. A transsexual sometimes undergoes medical treatment to change his/her physical sex to confirm his/her gender identity through hormone treatments and/or surgically. Not all transsexuals can have or desire surgery.



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h.1. **Transgender Female or Male to Female (MTF)** – is a person transitioning from the male assigned sex based on genitals to a female gender through hormone therapy and gender affirmation surgery.

h.2. **Transgender Male or Female-to-Female (FTM)** – is a person transitioning from a female assigned sex based on genitals to a male gender through hormone therapy and gender affirmation surgery.

i. **Cis-Gender** – is a type of gender identity where an individual’s experience of their own gender is the same as the sex they were assigned at birth.

j. **Gender Expression** – is the public or private demeanor of an individual, which includes expressions of gender, fashion, speech patterns, body language, behavior, activities, clothing, posture, speech patterns, activities mannerism and name of the choice or pronouns.

j.1. **Masculine** – is a set of attributes, behaviors and roles for people who exhibit male characteristics socially, biologically, or psychologically.

j.2. **Feminine** – is a set of attributes, behaviors and roles for people who exhibit female characteristics socially, biologically, or psychologically.

j.3. **Androgyny** – is the combination or shift of masculine and feminine gender expression in the individual.

j.4. **Cross Dressing** – is a person who wears clothes associated with another gender part of the time.



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- j.5. **Drag** – is the act of dressing in gendered clothing and adopting gendered behaviors as part of a performance, most often clothing and behaviors typically not associated with an individual’s gender identity. Drag Queens perform femininity theatrically. Drag kings perform masculine theatrically. Drag may be performed as a political comment on gender, as parody, or simply as entertainment. Drag performance does not indicate sexuality, gender identity or sex identity.
- k. **Sexual Orientation and Gender Identity and Expression (SOGIE)** – is the acronym used for the education or stands for the various forms of biological sex, sexual orientation, gender identity/expression.
- l. **Rights** – pertain to the access of the LGBTIQAPS to educational opportunities, relevant information, livelihood, leisure, cultural activities, religion and the right to full expression of thought, conscience and speech.\
- m. **Heteronormativity** – the body of lifestyle norms that hold that people fall into distinct and complementary genders (man and woman) with natural roles in life. It presumes that heterosexuality is the only sexual orientation or only the norm.
- n. **Homonormativity** – is the assimilation of body lifestyle norms that hold that people fall into distinct and complementary ideals and construct into LGBT culture and individual identity.
- o. **Ridicule** – is an act of making fun or contemptuous imitating or making mockery of the person in writing or in words or action on basis of actual or perceived sexual orientation, gender identify/expression.
- p. **Vilification** – is the utterance of slanderous and abusive statements done in any activity in public which incites hatred towards serious contempt for, or severe ridicule towards any person/s on the basis of sexual orientation gender identity/expression (SOGIE)



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- q. **Accommodation** – as mentioned herein includes a house, apartment, condominium, townhouse, flat, motel, boarding house, hotel and dormitory, which are open to the general public. It also includes the grant of license clearance, certification or any other document issued by governmental authorities or other private juridical entities.
- r. **Goods and Services** – as applied herein includes but shall not be limited to establishments, individuals and group of individuals supplying physical goods and services such as restaurants, resorts, hotels, stores, clubs and shopping malls as well as those providing clearing, repair, maintenance, construction, financial, health, transportation and public utility services.
- s. **Abuse** – is the physical, psychological and emotional maltreatment of the person on the basis of actual or perceived sexual orientation, gender identity/expression.
- t. **Education** – refers to all types of education and levels of education and includes access to education, the standard and quality of education, and the conditions under which is given.
- u. **Shaming** – is to cause emotional pain by making the victim feel foolish based on the person’s diverse sexual orientation and gender identity/expression.
- v. **Biphobia** – is the aversion toward bisexuality and bisexual people as a social group or as individuals. People of any sexual orientation can experience such feelings of aversion. Biphobia is a source of discrimination against bisexuals, and may be based on negative bisexual stereotypes or irrational fear.
- w. **Homophobia** – is a range of negative attitudes and feelings toward homosexuality or people who are identified or perceived as being lesbian, gay, bisexual or transgender (LGBT). It can be expressed as antipathy, contempt, prejudice, aversion, or hatred, may be based on irrational fear, and is sometimes related to religious beliefs.



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- x. **Transphobia** – is the fear or hatred of transgender people or gender non-conforming behavior. Like biphobia, transphobia can also exist among lesbian, gay, and bisexual people as well as among heterosexual people.
- y. **Cisgenderism** – assumes every person to be cisgender therefore marginalizing those who identify as transgender in some form. It is also believing cisgender people to be superior, and holding people to traditional expectations based on gender, or punishing or excluding those who don't conform to traditional gender expectations.
- z. **Marginalized** – excludes, ignores or relegates people of diverse sexual orientation and gender identity/expression to the outer edge of a group/society/community.
- aa. **Prejudice** – is the act of showing partiality or prejudice; a prejudicial act towards people of diverse sexual orientation and gender identity/expression.
- bb. **Heterosexism** – is a discrimination of people who do not identify as heterosexual. It also believes that heterosexuality is superior to homosexuality and all other sexual orientations.
- cc. **Heterosexual Privilege** – benefits derived automatically by being (or being perceived as) heterosexual that are denied to gays, lesbians, bisexuals, queers and all other non-heterosexual sexual orientations.
- dd. **Institution Suppression** – arrangement of a society used to benefit one group at the expense of another through the use of language, media education, religion, economics, et al.
- ee. **Internalized Stigma** – the process by which an oppressed person comes to believe, accept, or live out the inaccurate stereotypes and misinformation about their group.
- ff. **Concealment Pressure** – is being closeted, maintaining separate lives from what one would show in public.



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- gg. **Discrimination** – constitutes any distinction, exclusion, restriction, preference or other differential treatment that is directly or indirectly based on sexual orientation, gender identity, or gender expression, which has the intention or effect of nullifying or impairing the recognition, enjoyment, or exercise on an equal footing, of political, civil, economic, social, and cultural rights. Discrimination, which also includes incitement to discriminate, and harassment is a result or a product of stigma.
- hh. **Marginalization** - excluded, ignored, or relegated to the outer edge of a group/society/community.
- ii. **Invisible Minority** – a group whose minority status is not always immediately visible, such as some disabled people and LGBTIQAPS people. This lack of visibility may make organizing for rights difficult.

ARTICLE II

PROTECTION FROM STIGMA AND DISCRIMINATION

SECTION 5. *Prohibition to Discriminate.* – It is hereby prohibited to discriminate any person and/or group of people on the basis of sexual orientations and gender identities/expressions. It is unlawful for any person, natural or juridical, to:

- a. Deny access to private or public programs and services of any person, access to public programs (e.g. health programs), activities, and services on the basis of SOGIE;
- b. Discrimination based on Education.
 - b.1. Refuse admission to or expel or dismiss a person from private or public educational institutions including technical and vocational facilities, socio-civic organizations, associations, trainees and internships on the basis of sexual orientation and gender identity/expressions without prejudice to the right of educational institutions to determine the academic qualifications of their student;



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- b.2. Deny access to student benefits which includes scholarships, financial assistance, merit awards and election as officers in student government/council based on sexual orientation and gender identity/expression;
 - b.3. Violently harass and bully or any threat of physical, mental, psychological and verbal violence, intimidation or other threatening disruptive behaviors in schools and educational institutions by teachers, professors, trainers, administrators or by students of any person based on sexual orientation and gender identity/expression with concurrence to the Anti-Bullying Act of 2014 (Republic Act No. 10627), the Department of Education Memorandum Circular No. 40, Series of 2012;
 - b.4. Providing onerous or unjust terms and conditions for admission of a person as a student;
 - b.5. Denying or limiting the student's access to any benefit provided by the educational authority; and/or
 - b.6. Expelling or subjecting the student to any penalty or any other detriment on the basis of actual or perceived sexual orientation, gender identity/expression.
- c. Discrimination based on Employment
- c.1. Deny or limit the rights of trainings, recruitment, promotion remuneration and other terms and conditions of employment based on perceived or actual sexual orientation;
 - c.2. Denying or limiting opportunities to favorable terms and conditions of employment which afford employee advancement in all levels of government service and employment in Mandaue;
 - c.3. Excluding membership in labor unions or similar organization;



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- c.4. Subjecting any employee to workplace harassment or any threat of physical, mental and verbal violence, intimidation or other threatening disruptive behavior committed by the employer or by another employee; and/or
- c.5. Dismissing the employee or subjecting the employee to any other detriment on the basis of perceived or actual sexual orientation and gender identity/expression.
- d. Refuse or revoke the accreditation, formal recognition, and/or registration of any organization, group, institution or establishment, in educational institutions, workplaces, communities, technical facilities, training, internship vocational facilities and similar settings, solely on the basis of the sexual orientation and gender identity/expressions of their members or of their target constituencies.
- e. Submit or force any person from repressing his/her sexual orientation and gender identity/expression according to policies of any government units in Mandaue, organizations, institutions, establishments, facilities and utilities that are public or private.
- f. The submission of tactical delay by public officers in providing public programs and services to people of diverse SOGIE.
- g. Deny a person's access to medical and other health services and as well as health insurance and other related benefits as provided for under the law on the basis of sexual orientation and gender identity/expressions.
- h. Deny a person access to and/or the use of private and public establishments, accommodations like the facilities, utilities, transportation or services, including housing, open to the general public on the basis of sexual orientation and gender identity/expressions and notwithstanding the existence of the person's capacity to comply or his/her actual compliance with the requirements set forth in order to access or enter such establishments.



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There is a denial when, among others:

- h.1. A person is given inferior accommodations or services; and
- h.2. Rejection of any application, entry and participation solely on the basis of sexual orientation and gender identity/expressions.
- i. Deny an application for a license, clearance, certification or any other document issued by governmental authorities or other private or juridical entities on the basis of perceived sexual orientation, gender identity/expression.
- j. Deny a person delivery of goods and services; it shall be unlawful for a person, natural or juridical, whether as principal or agent, to discriminate against a person on grounds of sexual orientation and gender identity/expression.
 - j.1. Refusing to provide goods and services and/or imposing onerous terms and conditions to a person on the grounds of one's actual or perceived sexual orientation, gender identity/expression as a prerequisite for providing such goods and services where the said terms and conditions are not imposed on another person under the same or similar circumstances.
- k. Verbal, non-verbal ridicule and vilification such as acts that result to loss or reduction of the self-esteem of the individual, such as making fun or contemptuous imitating or mockery of people of diverse SOGIE whether in writing, or in words, or in action; uttering of slanderous and abusive statements; executing any public activity that incites hatred or severe ridicule of a person.
- l. Unlawful harassment, unjust detention and involuntary confinement because of one's actual perceived sexual orientation, gender identity/expression.



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- m. Disallowance of entry and refusal to serve; it shall be unlawful to refuse entry and/or disallow a person or group of people from entering any establishment such as bars, stores, movie houses, shopping malls, and other places or entertainment and other business which are open to the general public; and/or refuse to attend to, or serve any orders for food drinks and other goods, consumable and non-consumable; or to subject one to discrimination or harassment in buses, taxis, ships, airplanes, on the basis of actual or perceived sexual orientation, gender identity/expression.
- n. Promotion of discrimination against the LGBTIQAPS through the unlawful organization and activities that incite discrimination against people based on actual or perceived sexual orientation, gender identity/expression.
- o. Subject or force any person to any medical or psychological examination without the expressed approval of the person involved on the basis of perceived sexual orientation and gender identity/expressions; Provided that such person is not psychologically incapacitated as determined by competent authority.
- p. 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 for Persons with Disability, Magna Carta for Senior Citizens, Child and Youth Welfare Code, Magna Carta for Women, Indigenous Peoples Rights Act, among others.

There is a work-related discrimination when disability, age, health status, sexual orientation, gender identity, ethnicity and religion are included in the criteria for hiring, promotion and dismissal of workers, when the same are immaterial 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.



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- q. Refusing employment to a job applicant on the basis of actual or perceived sexual orientation, gender identity and expression.
- r. Discrimination due to the denial of an application or revocation of a professional license, clearance, certification or any other document issued by any government authority due to applicant's disability, age, health status, sexual orientation, gender identity, ethnicity and religion shall be handled by the appropriate administrative agencies of government which grants such license clearance, certification and other documents without prejudice to recourse by the victims with the appropriate court and other concerned government agencies.
- s. Deny benefit to one group at the expense of the other through use of language, media, religion and economics though institutional suppression.
- t. Shaming based on the person's diverse sexual orientation and gender identity/expression may it be in families, communities and institutions in the public or private sphere.
- u. Discriminating people based on non-conformity of the heterosexual or homonormative lifestyle and though the imposition on stereotypes in an abusive manner.

SECTION 6. *Programs for the City.* – The Mandaue City government shall endeavor to ensure that discrimination is prevented and effectively addressed through the following programs:

- a. **Comprehensive Diversity Anti-Discrimination Program.** – The Mandaue City government shall appropriate an annual allocation of at least ONE MILLION PESOS (Php1,000,000.00) to address discrimination and stigma which has the following components:



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a.1. **Capacity Building and Education Campaign.** To curb social stigma and eliminate discrimination towards people of diverse sexual orientation and gender identities/expressions, 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 public and private institutions, establishments, organizations and communities. Further the program shall include the following:

a.1.1. **Hate Crimes, Discrimination and Stigma Studies and Databank.** Funds shall be allocated for stigma and discrimination case documentation, researches and information dissemination as well as set-up a databank of different cases and experiences of stigma and discrimination. All of the data shall be collected through soft and hard copies in the Diversity Affairs for Sexual Orientation and Gender Commission (DASOG).

a.1.2. **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.

a.2. **Required Sexual Orientation and Gender Identity Expression Sensitivity Seminars** for all organized institutions private or public that includes the educational institutions, business establishments and within Mandaue City with no exceptions.

b. **Access to Scholarships, Skills, Employment and Livelihood Opportunities.** The Mandaue City government shall ensure that all people have equal access to scholarships, skills trainings, employment, livelihood opportunities, technical facilities, vocational facilities and microfinance opportunities and ensure equitable access to people who by reason of disability, age, health status, sexual orientation, gender identity, ethnicity and religion are discriminated; Commission on Higher Education (CHED)



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Memorandum Order No. 01-2015 for the policies and guidelines on gender and development are implied for people of diverse sexual orientation and gender identity;

- c. Access to Legal Representation. The Mandaue City government shall facilitate and assist victims of stigma and discrimination and shall be afforded legal representation when documenting and filing cases as well as during the duration of the case;
- d. The Mandaue City Police Office is strongly encouraged to handle specific concerns relating to sexual orientation, gender identity and expression through existing Violence Against Women or VAWC/human rights desk in all police stations in Mandaue City, to wit:
 - d.1 Develop a system to document and report cases of discrimination and violence against actual or perceived person of diverse SOGIE and provide assistance to the victims thereof;
 - d.2 Ensure that barangay officials, barangay security or tanod and other barangay workers, including volunteers, undergo training to enable them to respond to victims of gender discrimination and violence against people of diverse sexual orientation, gender identity and expression;
 - d.3 Assist the victim in filing the appropriate complaint with the Mandaue City Police Office or other law enforcement agencies; and/or
 - d.4. Ensure that all pertinent documents are forwarded to the Mandaue City Police Office.
- e. **Policy Review.** The Mandaue City government shall ensure that all policies embodied in resolutions, ordinances, codes and other policy documents are free from discriminatory statements and provisions and undertake necessary amendments of those provisions to effectively eliminate discrimination, stigma and



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stereotypes reviewed by the Diversity Affairs for Sexual Orientation and Gender Commission.

SECTION 7. *Remedial Measures.* – The remedial measures for any complaints against any person(s) who may violate this Ordinance may include, but not limited to the following, to wit:

- a. Complainants shall lodge their complaint(s) of any violation with the Lupon Tagapamayapa (Barangay Chairman) as provided by R.A. 7160 otherwise known as the Local Government Code of 1991 and the Katarungang Pambarangay Law, provided both parties are residents of the same barangay; otherwise, the case shall be filed directly in court.
- b. The key roles of Barangay Violence against Women and Children (VAWC) Desk and PNP Women’s and Children’s Desk in the implementation of this ordinance is vital.
- c. Any form of bigotry, stigma and discrimination shall not be tolerated and shall be grounds for filing of complaint subject to the nature of the mental, psychosocial and physical trauma a person is experiencing whether it may be in the form of hate speech, bashing, humiliation, bullying, shaming, that consequentially would result to anxiety and depression as mental and psychosocial traumas.
- d. The victim of SOGIE-based discrimination can pursue and file separate and independent action for damages and other affirmative reliefs.

ARTICLE III

THE DIVERSITY AFFAIRS FOR SEXUAL ORIENTATION AND GENDER COMMISSION

SECTION 8. *Creation and Composition.* – There shall be created the Diversity Affairs for Sexual Orientation and Gender Commission (DASOG) within one year from the effectivity of the ordinance, which shall be directly and primarily responsible for the implementation of the provisions of this ordinance.



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It shall be the duty of DASOG to coordinate with the appropriate agencies and offices to implement the programs provided in this Ordinance and monitor or take action on any complaint brought before it falling under the provisions of Prohibitions in this Ordinance.

a. The composition of the Commission shall be as follows:

- The City Mayor as the Chairperson;
- The Department Head of the City Social Welfare Services Office as Co-Chairperson;
- The Chairperson for Gender and Development or its equivalent committee as the case may be in the Sangguniang Panlungsod, as member;
- Three (3) representatives from the LGBT community duly appointed by the Local Chief Executive, as members;
- Representative from the City Health Department of the City Government of Mandaue, as member; and
- One (1) representative from the Department of Education, Mandaue City Division, as member.

SECTION 9. *Access to Specific Health Programs.* – The Mandaue City government shall endeavor to ensure that people of diverse sexual orientation and gender identities are given the necessary and appropriate health care responsive to their health needs to be effectively addressed through the existing Reproductive and Sexual Health Program provided that there is formulation and integration of the Transgender-specific Health Program for transgender people.

1. The City shall provide a desk to provide concrete transitioning program catered to Transgender individuals with the guide of an accredited counselor that would cater to their needs and guide them through the hormonal change that they go through.
2. The City Health Department shall provide HIV-AIDS services that are addressed for the key populations affected; a regular desk for the wellness center shall be created so that people can cater to the LGBT key populations.



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3. Health services for people of diverse SOGIE shall be provided in a non-discriminatory manner and health care professionals shall be sensitive towards the needs of the people of diverse sexual orientation and gender identity/expression.
4. Extend quality health care services and information on reproductive health without regard to one's marital status, age, religious affiliation, sexual orientation, gender identity and gender expression, personal circumstance and nature of work.
5. Monitor and ensure that provision for gender-sensitive, gender-responsive and accessible health services for people of diverse sexual orientation and gender identity and expression are available both at the hospitals within the city and in barangay health centers.
6. Develop modules for gender responsive health care services and reproductive health information including those used for STDs, HIV, and AIDS; and such shall be integrated in seminars, orientations and educational activities.
7. Encourage the establishment of the LGBT Desk in every public and private hospital to handle concerns pertaining to the proper administration of medical services to a person with specific needs, according to one's self-identified sexual orientation, gender identity and expression, in order to provide a comprehensive, responsive and accessible health services.
8. Build the capacities of barangay health workers, schools and community-based health personnel in delivering gender sensitive and gender responsive health services to the community in coordination with the barangay and non-governmental organizations.

SECTION 10. *Social Welfare of the LGBTIQ.* – The Mandaue City government shall endeavor to ensure the access of the LGBTIQAPS people to educational opportunities, relevant information, livelihood, leisure, cultural activities, religion and the right to full expression of thought, conscience and speech.



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SECTION 11. *Institutionalization of SOGIE in the City.* – SOGIE shall be part of the Committee on Gender And Development in the Sangguniang Panlungsod. The City, through its Gender And Development Office under the City Social Welfare Services Office will facilitate in the institutionalization of LGBT organizations of the GAD sectors in the barangay. The implementation of the following projects may be made:

1. Capacity building programs for the institutionalized LGBT organizations and shall be made mandatory in the form of gender-sensitivity training and SOGIE;
2. An integrated social welfare program for the LGBTIQAPS shall be formulated, within one (1) year from the effectivity of this ordinance by the Mandaue City Council, after consultation with the City Social Welfare Services Office, LGBTIQAPS groups, other government agencies, private sector, and non-government organizations;
3. Existing youth programs of Mandaue City shall be inclusive to the participation of LGBT youth;
4. Existing Social Welfare Programs that may take form in Socialized Housing shall be equally accessible and inclusive to LGBT SENIOR CITIZENS; and
5. Capacity-building and sensitivity-training for all teaching and non-teaching personnel of the Department of Education – Division of Mandaue City.

SECTION 12. *Commemoration of Annual LGBTIQAPS Events.* – In support with the LGBTIQAPS community the City Government of Mandaue shall commemorate the annual celebration of the following:

1. International Day against Homophobia and Transphobia (IDAHOT) on May 17;
2. Celebrate Bisexuality Day on September 23;
3. Philippines' Pride March on the first Saturday of December;
4. World Aids Day on December 1;
5. National Lesbian Day on December 8;



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6. Human Rights Day on December 10;
7. Day commemorating the establishment of the Mandaue Diversity Affairs Commission;
8. Mandaue Pride Month on February.

SECTION 13. *Programs for the Diversity of Sexual Orientation and Gender Identities and Expressions.*

1. Mandaue Queer Studies Center will be located in and under the Diversity Affairs for Sexual Orientation and Gender Commission and also create a satellite Queer Studies section in the Mandaue City Public Library which will hold a repository and research for LGBT literature and academic works.
2. Mandaue SOGIE Pride Month
Programs for identification of sexual orientation and gender identity expression.

SECTION 14. *Facilities and Support Systems for People of Diverse SOGIE.* – All government agencies, private offices and commercial/industrial establishments may designate toilet rooms and lavatories labeled as SOGIE comfort rooms.

Establishments supplying physical goods and services shall require that goods and services are delivered to eligible individuals in a non-discriminatory manner in accordance with the standards provided under applicable laws.

ARTICLE IV

EMPLOYMENT

SECTION 15. *Affirmative Acts in Employment.* – People of diverse sexual orientation and gender identity/expression shall be accorded with the compensation commensurate to their employment as stipulated by the Regional Wage Board or as provided by pertinent legislation by Congress. Persons with SOGIE shall be given equal protection for social legislation benefits, i.e. SSS, GSIS, PhilHealth, Pag-ibig and other existing laws, rules and regulations.



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A copy of this Ordinance shall be provided to all business establishments in Mandaue City.

ARTICLE V

EDUCATION

SECTION 16. *Affirmative Acts in Education.* – There shall be equal access to opportunities for people of diverse SOGIE in various trainings and scholarships. The following shall be mandatory for all establishments in Mandaue City:

- a. **Availability of Anti-Discriminatory Materials.** All schools, colleges, universities and other educational and training institutions, whether public or private, located in Mandaue City, shall develop and make available resource materials on gender rights and empowerment, including laws and ordinances pertinent to the elimination of any form of discrimination on the basis of actual expression (SOGIE) in their libraries.
- b. **Elimination of Gender Stereotyping.** All schools, colleges, universities and other educational and training institutions, whether public or private, located in Mandaue City, shall promote the elimination of sex-role stereotyping and gender discriminatory role modelling for students in academics and extra-curricular activities.
- c. The Anti-Bullying Act of 2013 and the Department of Education Memorandum Circular No. 40, S. 2012 on Child Abuse which are applied to all academic institutions and policies shall be reiterated within the context of SOGIE based discrimination.

ARTICLE VI

PENAL PROVISIONS

SECTION 17. *Penal Provisions.* – Any person or entity who violates any provision of this Ordinance shall suffer the following graduated penalties:



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a. First offense

a.1. The offender violating this ordinance shall be penalized with a fine of One Thousand Pesos (Php1,000.00), undergo a SOGIE seminar, conduct community service, or be imprisoned for three (3) months at the discretion of the court;

b. Second offense

b.1. The offender violating this ordinance shall be penalized with a fine of Three Thousand Pesos (Php3,000.00), undergo a SOGIE seminar, conduct community service, or be imprisoned for six (6) months at the discretion of the court;

c. Offenses committed a third time or oftener

c.1. The offender violating this ordinance shall be penalized with a fine of Five Thousand Pesos (Php5,000.00), undergo a SOGIE seminar, conduct community service, or be imprisoned for one (1) year at the discretion of the court;

ARTICLE VII

TRANSITORY PROVISIONS

SECTION 18. *Separability Clause.* – If any provision or part hereof is held invalid or unconstitutional by a Court of competent jurisdiction, the remainder hereof shall remain valid and subsisting.

SECTION 19. *Implementing Rules and Regulations.* – After sixty (60) days from the passage of this ordinance, the Office of the Mayor shall formulate the implementing rules and regulations of this ordinance.

SECTION 20. *Effectivity.* – This ordinance shall take effect fifteen (15) days after its publication in a newspaper of general circulation



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ENACTED "En Masse" after its second and final reading on February 10, 2016 as proposed by Honorable Nenita Ceniza-Layese with favorable recommendation from the referee-Committee on Laws and Ordinances.

CERTIFIED TRUE AND CORRECT.
Mandaue City, Philippines, 02/29/2016

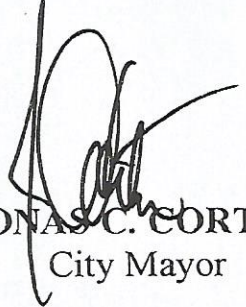
ATTESTED:


FRELYN F. MABANAG
City SP Secretary




GLENN O. BERCEDE
Vice Mayor and Presiding Officer

APPROVED:
18 APR 2016


JONAS C. CORTES
City Mayor