

**REPUBLIKA NG PILIPINAS
TANGGAPAN NG SANGGUNIANG PANLUNGSOD
LUNGSOD NG BAKOLOD**

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**CITY ORDINANCE NO. 640
April 23, 2013**

AN ORDINANCE PROHIBITING DISCRIMINATION IN BACOLOD CITY ON THE BASIS OF DISABILITY, AGE, HEALTH STATUS, SEXUAL ORIENTATION AND GENDER IDENTITY, ETHNICITY AND RELIGION AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

WHEREAS, Article II, Section 11 of 1987 Philippine Constitution states that the State values the dignity of every human person and guarantees full respect for human rights;

WHEREAS, Article III, Section 1 of the Constitution states 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.

WHEREAS, Article XIII, Section 1 (a) of 1987 Philippine Constitution provides 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 inequalities shall be given highest priority;

WHEREAS, the Philippines is state party and a signatory to the Universal Declaration of Human Rights, International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of all Forms of Racial Discrimination (CERD), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention Against Torture (CAT), the Convention on the Rights of Child (CRoC), the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) and the Convention on the rights of Persons with Disabilities (CRPD) [1] that seek to eliminate all forms of discrimination and abuse;

WHEREAS, every person is given the right to equal access to opportunities, to social and economic benefits without prejudice and discriminations as manifested in democratic country and as enshrined under the Philippine Constitution;

WHEREAS, stigma and discrimination is still very much prevalent especially with persons with disability, senior citizens, children, youth, people living with HIV, women, lesbians, gay, bisexuals, transgender, people with different spiritual faith and indigenous persons.


NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF BACOLOD IN SESSION ASSEMBLED:



Section 1. Short Title. This ordinance shall be known and cited as "Bacolod City Anti-Discrimination Ordinance."


Section 2. Declaration of Policy. It is hereby declared a policy of Bacolod City to ensure equality among all sectors of society including the protection of the rights of persons with disability, senior citizens, women and children as well as the promotion of gender consciousness and equality and the elimination of all forms of discrimination that violates their rights as provided under the Philippine Constitution.

Section 3. Definition of Terms. For purposes of this ordinance, the following terms shall be defined as follows:

- a) **"Discrimination"** – is any distinction, exclusion, restriction, or preference made on the basis of disability, gender, ethnicity and religion, whether actual or perceived, and which has the purpose or effect of nullifying or impairing the recognition, enjoyment, or exercise by all persons or an equal footing of all rights and freedoms in the political, economic, social, cultural, civil or any other field.
 - b) **"Disability"** – refers to an individual with a physical or mental impairment that substantially limits one or more psychological, physiological or anatomical function of an individual or activities of such individual; 2) a record such an impairment; or 3) being regarded as having such an impairment.
 - c) **"Age"** – refers to the persons time of existence or duration of life. This is in reference to ageism where one is discriminated on the basis of age.
 - d) **"Health Status"** – refers to the level of health of an individual, group or population as subjectively assessed by the individual or by more objective measures in particular, HIV status of one person.
 - e) **"Sexual Orientation"** – refers to the direction of emotional sexual attraction or conduct. This can be towards people of the same sex (homosexual orientation) or towards people of both sexual (bisexual orientation) or towards people of the opposite sex (heterosexual orientation).
 - f) **"Gender Identity"** – refers to the personal sense of identity as characterized among others, by manners of clothing, inclinations, and behavior in relation to masculine or feminine conventions. A person may have a male or female identity with the physiological characteristics of the opposite sex, as in the case of transsexuals and transvestites.
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- g) **"Gender"** – is a socially constructed difference between men and women for all sexual orientations and gender identities, created artificially, partly through socialization and partly through positive and negative discrimination in the various institutions and structures of society.
- h) **"Ethnicity"** – refers to the characteristic of a person or group of persons sharing a common and distinctive racial, national, religious, linguistic or cultural heritage.
- i) **"Religion"** – refers to a set of beliefs concerning the cause, nature and purpose of the universe, especially when considered as the creation of a superhuman agency or agencies, usually involving devotional and ritual observances, and often containing a moral code governing the conduct of human affairs.

Section 4. Prohibited Acts. It shall be prohibited to discriminate any person on the basis of their disability, gender, ethnicity and religion by:

- a) Denying access to public services;
 - b) Include disability, age, health status, sexual orientation and gender identity, ethnicity and religion in the criteria for hiring, promotion and dismissal of personnel, and in the determination of employee compensation and other terms and conditions of employment unless otherwise necessary and inherent with the position;
 - c) Refusing to admit or expel a person from any educational/academic institutions on the basis of disability, age, health status, sexual orientation and gender identity, ethnicity and religion, without prejudice to the right of educational/academic institutions to determine the qualifications of their students;
 - d) Refusing or revoking the accreditation, formal recognition, and/or registration or any organization, group, institution or establishment, in educational institutions, workplaces, communities, and similar settings, solely on the basis of the disability, age, health status, sexual orientation and gender identity, ethnicity and religion of their members or of their target constituencies;
 - e) Denying a person's access to health services, health insurance and other related benefits as provided under the law on the basis of disability, age, health status, sexual orientation and gender identity, ethnicity and religion.
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- f) Denying or revoking an application for a professional license issued by the government due to the applicant's disability, age, health status, sexual orientation and gender identity, ethnicity and religion;
- g) Denying a person's access to and/or the use of private and public establishments, facilities, utilities, transportation or services, including housing, open to the general public on the basis of disability, age, health status, sexual orientation and gender identity, ethnicity and religion; There is a denial when
 - (g.1) a person is given inferior accommodations or services and
 - (g.2) rejection of any application, entry and participation solely on the basis of disability, age, health status, sexual orientation, gender identify, ethnicity and religion.
- h) Denying 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 the applicant's disability, age, health status, sexual orientation and gender identity, ethnicity and religion, as provided by existing laws;
- i) Subjecting or forcing any person to any medical or psychological examination without the expressed approval of the person involved on the basis of perceived disability, age, health status, sexual orientation and gender identity, ethnicity and religion;
- j) Verbal or Non-verbal ridicule and vilification, including but not limited to bullying or hate speeches, of a person on account or disability age, health status, sexual orientation and gender identity, ethnicity and religion;
- k) Other analogous circumstances.


Section 5. Anti-Discrimination Programs. The Bacolod City Government, through the Department of Social Welfare and Development in coordination with the Local Council for the Protection of Children (LCPC), the Bacolod City Gender and Development Council (BC GADC), Local Council for the Filipino Family (LCFF) and the Office of the Persons with Disability Affairs (OPDA), the Office of the Senior Citizens Affairs (OSCA) and the Local AIDS Council shall implement and institutionalize the following programs:

- a) **Discrimination and Stigma Reduction Program.** Fund shall be allocated for the capacity building and education program that shall address to reduce stigma and eliminate discrimination within public and private institutions, establishments, organizations and communities.
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- b) **Discrimination and Stigma Studies.** Fund shall be allocated stigma and discrimination case documentation, researches and information dissemination.
- c) **Discrimination and Stigma Databank.** Fund shall be allocated to set-up a databank of different cases and experiences of stigma and discrimination.
- d) **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.
- e) **Access to Scholarships, Skills, Employment and Livelihood Opportunities.** The Bacolod City government shall ensure that all persons shall have equal access to scholarships, skills trainings, employment, livelihood opportunities and microfinance opportunities and ensure equitable access to persons who by reason of disability, age, health status, sexual orientation, gender identity, ethnicity and religion are stigmatized.
- f) **Access to Legal Representation.** The Bacolod City government shall ensure that victims of stigma and discrimination are afforded legal representation when documenting and filing cases as well as during the duration of the case.
- g) **Policy Review.** The Bacolod City government shall ensure that all policies – resolutions, ordinances and other policy documents are free from discriminatory statements and provisions and amend those provisions that shall be deemed discriminatory and those that advocate stigma and stereotypes.

Section 6. Legal Assistance. The Department of Social Services and Development shall provide legal assistance for purposes of giving legal advice to any person with complaints involving violations on the provisions of this ordinance or of any form of discrimination and other similar offenses.

Section 7. Technical Working Group. For the purpose of this ordinance a Technical Working shall be established, which will be composed of the following:

- Chairman : City Mayor
 - Co-Chairman : Vice Mayor
 - Vice Chair : SP Committee on Social Services
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Members : SP Committee on Family and Child Care Dev't.
SP Committee on Human Rights
SP Committee on Senior Citizens and Veterans Affairs
Department of Social Services and Development
Public Information Office
Liga ng mga Barangay
City Enforcement Unit - City Legal Office
Representative from the local or regional:
a. Department of Social Welfare and Development
Two (2) Accredited Advocacy Groups

Section 8. Functions of the Technical Working Group. The Technical Working Group shall have the following functions:

- a. The formulation of the Implementing Rules and Regulations as well as the Guidelines in the proper implementation of this ordinance.
- b. Identify the activities and programs to be conducted under the Anti-Discrimination Programs.
- c. Recommend measures for the proper implementation of the ordinance.

Section 9. Implementation and Enforcement. The Department of Social Services and Development shall implement the programs stipulated in Section 5 of this ordinance. It shall seek assistance from the Bacolod City Police Office regarding any violation committed herein. Any complaint filed shall first be lodged in the barangay concerned provided both parties are living on the same barangay, otherwise the case shall be filed in court for appropriate action.

Section 10. Penalties. Any violation of the provisions hereof shall be punished through the imposition of a fine of P5,000.00 and/or imprisonment of not more than one (1) year upon the discretion of the court.

Section 11. Implementing Rules and Regulations. Within thirty (30) days from the approval of this Ordinance, the necessary rules and regulations shall be issued by the Technical Working Group for the proper and effective implementation of this Ordinance.

Section 12. Source of Funds. Five Hundred Thousand Pesos (P500,000.00) shall be allocated from the Annual Investment Plan, to fund the establishment and the implementation of this ordinance.



Section 13. Proceeds of Fines and Fees. Fines and Fees paid pursuant to the enforcement of the herein ordinance shall accrue to the different programs of the City of Bacolod, thirty percent (30%) of which shall go to the Department of Social Services and Development (DSSD) for various anti-discrimination programs.

Section 14. Separability Clause. If any part of this Ordinance is declared not valid, unconstitutional or unlawful, such declaration shall not affect or impair the remaining provisions, sections or parts thereof, which shall remain or continue to be in full force and effect.

Section 15. Effectivity. This ordinance shall take effect fifteen days (15) after its publication in a local newspaper of general circulation.

Section 16. Repealing Clause. All previous ordinances inconsistent with this ordinance shall be deemed repealed or modified accordingly.

CARRIED BY THE VOTE OF:

Affirmative :

Councilors : Homer Q. Bais, Archie S. Baribar, Roberto M. Rojas, Catalino T. Alisbo, Em L. Ang, Elmer T. Sy, Sonya M. Verdeflor.

Negative : None.

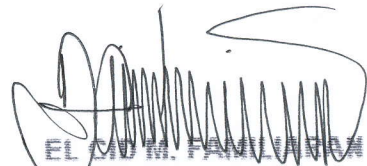
Absent : Vice Mayor Jude Thaddeus A. Sayson and Councilor Al Victor A. Espino.

Official Leave : Councilors Dindo C. Ramos and Keith Emmanuel L. Ramos.

Author : Councilor Em L. Ang.

Passed : April 23, 2013 (147th Regular Session).

Comments : Passed.
Councilors Caesar Z. Distrito, Carlos Jose V. Lopez and Mona Dia G. Jardin were not yet around when this ordinance was passed.



ELPIDIO M. FAMIURAM
Acting Presiding Officer

ATTESTED:

ATTY. VICENTE C. PETIERRE III
Secretary to the Sanggunian


By:



HELEN P. LEGASPI
Board Secretary IV

APPROVED:

May 8, 2013
April, 2013.



EVELIO R. LEONARDIA
City Mayor

VCP/HPL/jbz

