



IMPLEMENTING RULES AND REGULATIONS

Pursuant to *Ordinance No Sp-2357, Series of 2014*

“AN ORDINANCE PROVIDING FOR A COMPREHENSIVE ANTI-DISCRIMINATION POLICY ON THE BASIS OF SEXUAL ORIENTATION, GENDER IDENTITY AND EXPRESSION (SOGIE).”

Rule I
GENERAL PROVISIONS

Section 1. Title. These rules shall be known and cited as the Implementing Rules and Regulations of Ordinance No Sp-2357, Series of 2014 otherwise known as **“The Quezon City Gender-Fair Ordinance”**

Section 2. Declaration of Policy. It is hereby declared a policy of Quezon City to actively work for the elimination of all forms of discrimination that violate the equal protection clause enshrined in the Constitution, the *Yogyakarta Principles*; and to value the dignity of every person, guarantee full respect for human rights and give the highest priority to measures that protect and enhance the right of all people; regardless of Sexual Orientation, Gender Identity, and Expression (SOGIE).

The City Government also recognizes the social, economic, cultural, and political potentials that will allow people with diverse SOGIE to achieve their full participation in development and in the exercise of their human rights. Thus, towards this end, the City Government shall pursue and implement vigorously the Constitution, the provision of the Universal Declaration of Human Rights, Convention on the Elimination of All Forms of Discrimination against Women, the Yogyakarta Principles, and other international human rights declarations guaranteeing human rights for all, particularly for LGBT persons.

Section 3. Purposes. This Implementing Rules and Regulations (IRR) shall pursue the following purposes:

3.1 **Legal.** These Rules shall provide legal protection to any member of the LGBT community and prevent them from suffering from any perceived or real threat. It is the right of every victim of violence and discrimination to seek professional psychological support and police protection.

3.2 **Developmental.** These Rules shall provide guidance and measures that will promote and protect the rights of all LGBT persons regardless of socio-economic class, age, race, ethnicity, ability or other status, and mobilize and substantially enhance their participation in the development process.

3.3 **Socio-cultural.** These Rules shall provide a holistic environment for the LGBT community that will give them equal opportunity to grow personally, culturally, and spiritually.

Section 4. Construction. These Rules and Regulations shall be liberally construed to promote the protection and safety of LGBT persons. All doubts in the implementation and interpretation hereof shall be resolved in favor of LGBT persons consistent with the spirit and letter of the Ordinance.

Rule II
DEFINITION OF TERMS

Section 5. Definition of Terms. For purposes of these Rules, the following terms shall be mean, construed and defined as follows:

5.1 **LGBT** – refers to a diverse and complex range of identities based on sexual orientation, gender identity and expression (hereinafter “SOGIE”). The term “LGBT” refers to gender and sexually non-conforming persons, including, but not limited to lesbian, gay, bisexual, transgender, and queer persons.

5.2 **LESBIAN** – a woman whose emotional, romantic, and sexual energies are geared towards other women;

5.3 **GAY** – a person who is emotionally and/or physically attracted to members of the same sex. Although all encompassing, this term refers mainly to men;

5.4 **BISEXUAL** – a person who is emotionally and/or physically attracted to members of both the same and the opposite sex;

5.5 **TRANSGENDER** – is the state of one's gender identity (self-identification as woman, man or neither) not matching one's "assigned sex" (identification by others as male or female based on physical/genetic sex). Transgender does not imply any specific form of sexual orientation; transgender people may identify as heterosexual, homosexual, bisexual, pansexual, polysexual or sexual. The precise definition for transgender remains in flux, but includes:

5.5.1 Those relating to, or designating a person whose identity does not conform unambiguously to conventional notions of male or female gender roles, but combines or moves between these;

5.5.2 People who were assigned a sex, usually at birth and based on their genitals, but who feels that this is a false and incomplete description of themselves;

5.5.3 Non-identification with, or non-presentation as the sex (and assumed gender) one was assigned at birth.

5.6 **GENDER** – refers to "the socially constructed difference between men and women. Differences are created artificially, partly through socialization and partly through positive and negative discrimination in the various institutions and structures in society."

It also refers to the roles and responsibilities of men and women that are created in the family, society and culture. The concept of gender includes the expectations held about the characteristics, aptitudes and likely behaviors of both women and men (femininity and masculinity). Gender roles and expectations are learned. They can change over time and they vary within and between cultures. Systems of social differentiation such as political status, class, ethnicity, physical and mental disability, age and more, modify gender roles. The concept of gender is vital because, applied to social analysis; it reveals how women's subordination (or men's domination) is socially constructed. As such, the subordination can be changed or ended. Gender is not biologically predetermined nor is it fixed forever.

5.7 **GENDER AND DEVELOPMENT (GAD)** – refers to the development perspective and process that is participatory and empowering, equitable, sustainable, free from violence, respectful of human rights, and supportive of self-determination and actualization of human potentials. It seeks to achieve gender equality as a fundamental value that should be reflected in development choices; seeks to transform society's social, economic, and political structures and questions the validity of the gender roles they ascribed to women and men; contends that women are active agents of development and not just passive recipients of development assistance; and stresses the need of women to organize themselves and participate in political processes to strengthen their legal rights (MCW-IRR, 2010)

5.8 **GENDER MAINSTREAMING** – refers to the strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring, and evaluation of policies and programs in all social, political, civil, and economic spheres so that women and men benefit equally and inequality is not perpetuated. It is the process of assessing the implications for women and men of any planned action, including legislation, policies, or programs in all areas and at all levels (MCW-IRR, 2010)

- 5.9 **GENDER AND DEVELOPMENT MAINSTREAMING** – refers to the process of integrating the GAD framework in the local policy formulation, program and project development and implementation for the City’s constituents. It also focuses on developing institutional mechanisms and strategies to address specific gender issue or concerns, particularly on addressing discrimination based on sexual orientation, gender identity and expression.
- 5.10 **GENDER AND DEVELOPMENT BUDGET** – refers to the allocation of funds for the implementation of gender and development programs and projects. As stated in the law it shall be at least five percent (5%) of the agency’s total budget appropriation to manifest concrete support to deepen and further the integration of gender in all aspects of development.
- 5.11 **GAD FOCAL POINT** – refers to the designated person or team in a particular department, office, *barangay*, local special body or any local governing unit who acts as lead in the GAD mainstreaming within their respective offices.
- 5.12 **SEXUALITY** – a central aspect of being human throughout life, which encompasses sex, gender identities and roles, sexual orientation, eroticism, pleasure, intimacy and reproduction. Sexuality is experienced and expressed in thoughts, fantasies, desires, beliefs, attitudes, values, behavior, practices, roles and relationships. While sexuality can include all of these dimensions, not all of them are always experienced or expressed. Sexuality is influenced by the interaction of biological, psychological, social, economic, political, cultural, ethical, legal, historical, religious and spiritual factors.
- 5.13 **MARGINALIZATION** – refers to a condition where a whole category of people is excluded from useful and meaningful participation in political, economic, social, and cultural life. (MCW-IRR, 2010)
- 5.14 **MARGINALIZED** – refers to the basic, disadvantaged, or vulnerable persons or groups who are mostly living in poverty and have little or no access to land and other resources, basic social and economic services such as health care, education, water and sanitation, employment and livelihood opportunities, housing, social security, physical infrastructure, and the justice system. (MCW-IRR, 2010)
- 5.15 **DISCRIMINATION BASED ON SOGIE** – any distinction, exclusion or restriction made on the basis of sex has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise by persons of their rights irrespective of their sexual or gender status.
- 5.16 **VIOLENCE BASED ON SOGIE** – any act of gender-based violence that results in, or is likely to result in physical, sexual or psychological harm or suffering to LGBT persons, including threats of such act, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.
- 5.17 **PARTNER ABUSE** – Battering is any single or sporadic acts of violence which shall include the repeated and habitual cyclic pattern as means of intimidation and imposition of the batterer’s will and control over the survivor’s life.
- 5.18 **PHYSICAL ABUSE AND BATTERING** – this includes any form of inflicting wounds, pain, etc on any part of the LGBT person’s body or the threat of physical violence.
- 5.19 **SEXUAL HARASSMENT** – It is a form of misconduct involving an act or a series of unwelcome sexual advances, requests for sexual favors or other verbal or physical behavior of a sexual nature made directly or indirectly. Sexual harassment shall be unlawful in the employment, education, or training environment as prescribed in RA 7877.
- 5.20 **PHYSICAL VIOLENCE** – refers to acts that include bodily or physical harm.

5.21 **SEXUAL VIOLENCE** – refers to an act, which is sexual in nature, committed against an LGBT person. It includes, *but is not limited to*:

- 5.21.1 Rape, sexual harassment, acts of lasciviousness, treating an LGBT person as a sex object, making demeaning and sexually suggestive remarks, physically attacking the sexual parts of the victim's body, forcing her/him to watch obscene publications and indecent shows and/or or forcing the LGBT person to do indecent acts; and
- 5.21.2 Acts causing or attempting to cause the victim to engage in any sexual activity by force, threat of force, physical or other harm or threat of physical or other harm or coercion.

5.22 **BULLYING** – shall refer to any severe or repeated use by one or more persons of a written, verbal or electronic expression, or a physical act or gesture, or any combination thereof, directed towards an LGBT person that has the effect of actually causing or placing the latter in reasonable fear of physical or emotional harm or damage to her/his property; creating a hostile environment at school or workplace for the one being bullied; infringing on the rights of the LGBT person; or materially and substantially disrupting the normal living process or the orderly operation of a school or workplace; such as, but not limited to, the following:

- 5.22.1 Any unwanted physical contact between the bully and the victim like punching, pushing, shoving, kicking, slapping, tickling, headlocks, inflicting school pranks, teasing, fighting and the use of available objects as weapons;
- 5.22.2 Any act that causes damage to a victim's psyche and/or emotional well-being;
- 5.22.3 Any slanderous statement or accusation that causes the victim undue emotional distress like directing foul language or profanity at the target, name-calling, tormenting and commenting negatively on victim's looks, clothes and body; *and*
- 5.22.4 Cyber-bullying or any bullying done through the use of technology or any electronic means.

5.23 **PSYCHOLOGICAL/MENTAL VIOLENCE** – refers to acts or omissions causing or likely to cause mental or emotional suffering to the victim such as but not limited to intimidation, harassment, stalking, damage to property, public ridicule or humiliation, and repeated verbal abuse. It includes causing or allowing the victim to witness the physical, sexual or psychological abuse of a member of the family to which the victim belongs, or to witness pornography in any form or to witness abusive injury to pets.

5.24 **NON-GOVERNMENT ORGANIZATIONS (NGOS)** – refers to organizations, or groups of women, men, or mixed groups with track record in gender programs and projects, and hold offices and/or serve constituencies in Quezon City.

5.25 **PEOPLE'S ORGANIZATIONS (POS)** – refers to grassroots organizations of women/men, or mixed groups including LGBTQ organizations, with track record program, planning and development which have direct or indirect services for the LGBT community, and hold offices and have regular constituency in Quezon City.

5.26 **DISCRIMINATION** – shall mean any distinction, exclusion, restriction, or preference made on the basis of sexual orientation and gender identity and expression (SOGIE) which has an effect or purpose of impairing or nullifying the recognition, enjoyment, or exercise by a person, group of persons, or institutions of their human rights and fundamental freedoms in the political, economic, social, cultural, civil, or any

other field, especially including but not limited to, employment, livelihood, education and basic services.

5.27 **SEX** – refers to a human and civil status of a person acquired by birth having organ and system of reproduction.

5.28 **SEXUALITY** – A central aspect of being human throughout life encompasses sex, gender identities and roles, sexual orientation, eroticism, pleasure, intimacy and reproduction. Sexuality is experienced and expressed in thoughts, fantasies, desires, beliefs, attitudes, values, behaviors, practices, roles and relationships. While sexuality can include all of these dimensions, not all of them are always experienced or expressed. Sexuality is influenced by the interaction of biological, psychological, social, economic, political, cultural, legal, historical, religious and spiritual factors." (WHO, 2006a).

5.29 **SEXUAL ORIENTATION** – refers to each person's capacity for profound emotional and sexual attraction to, and intimate and sexual relations with the same gender or more than one gender.

5.30 **GENDER IDENTITY** – refers to each person's deeply felt internal and individual experience of gender, which may or may not correspond with the sex assigned at birth including the personal sense of the body (which may involve, if freely chosen, modification of the bodily appearance or function by medical, surgical or other means) and other expressions of gender, including dress, speech and mannerisms.

5.31 **GENDER EXPRESSION** – is how a person publicly presents one's gender. This can include behavior and outward appearance such as dress, hair, make-up, body language, and voice. A person's chosen name and pronoun are also common ways of expressing gender.

5.32 **GENDER MAINSTREAMING** – refers to the strategy for making lesbian, gay, bisexual, and transgender (LGBT) persons' concerns and experiences to become an integral dimension of the design, implementation, monitoring and evaluation of policies and programs in political, economic, and societal spheres so that LGBT persons benefit equally and inequality is not perpetuated. It is the process of assessing the implications for LGBT persons of any planned action, including legislation, policies, or programs in all areas and at all levels.

5.33 **GENDER AUDIT** – refers to a form of "social audit" or "quality audit" which determines whether the organizations' internal practices and related support systems for gender mainstreaming are effective and are reinforcing each other and are being followed. This tool or process assists organizations in establishing a baseline, identifying critical gaps and challenges, and recommending ways of addressing them.

5.34 **EDUCATION** – refers to all types and levels of education, and includes access to education, the standard and quality of education, and the conditions under which it is given.

5.35 **EMPLOYMENT** – existence of an employer-employee relationship, which is determined by the four-fold test: **1) selection of the employee; 2) payment of wages; 3) power of dismissal; and 4) power of control.** This definition shall apply to regular, probational, contractual, seasonal, and project-based workers. In legitimate contracting arrangements, the contractor shall be deemed the employer of the contractual employee.

5.36 **ACCOMMODATION** – includes a house, apartment, condominium, townhouse, flat, boarding house, hotel and dormitory, which are open to the general public. It shall also include the grant of license, clearance, certification or any other document issued by governmental authorities or other private or juridical entities.

5.37 **GOODS AND SERVICES** – includes but shall not be limited to establishments, individuals and groups of individuals supplying physical goods and services such as

restaurants, resorts, hotels, clubs and shopping malls as well as those providing clearing, repair, maintenance, construction, financial, health, transportation and public utility services.

5.38 **PUBLIC RIDICULE** – An act of making fun or contemptuous imitating or making mockery of persons whether in writing, or in words, or in action on the basis of actual or perceived SOGIE.

5.39 **VILIFICATION** – 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 LGBTQ person on the basis of actual or perceived SOGIE.

Rule III PUNISHABLE ACTS/ACTS OF DISCRIMINATION

Section 6. Discrimination is committed when a person treats another less favorably on the basis of actual or perceived SOGIE, than a person treats or would treat another without that attribute, on the same or similar circumstances in employment, education, accommodation, delivery of services, and in other areas, to wit:

Section 7. Discrimination in Employment. It shall be unlawful for any employer to discriminate against any person or group of persons on the basis of actual or perceived SOGIE, in public or private employment by:

7.1 Denying or limiting rights to trainings, recruitments, promotion, remuneration and other terms and conditions of employment;

Employers shall have a clear set of **guidelines** that will not discriminate its employees in matters of SOGIE. Specific instances of discrimination include:

7.1.1 **Preventive Measures:**

- 7.1.1.1 Causing physical harm or threat to any LGBT employee;
- 7.1.1.2 Imposing hetero-normative uniforms, acts, and language ; and
- 7.1.1.3 No employee shall be denied of any privileges, promotions, incentives, opportunities and advancements on the bases of stereotyping of LGBT as being inappropriate for the position or opportunity.

Employers caught in violation of this rule shall be:

7.1.2 **Punitive Measures:**

- 7.1.2.1 Employers violating the rules stated in the Ordinance above shall be called to attention for their wrongdoings and be made to explain *in writing*;
- 7.1.2.2 If found to be in violation of rules, for the first offense, employers shall be given a warning, and mandatory gender-sensitivity training to ensure that the incident shall not escalate or be repeated; payment for seminar shall be shouldered by the employers; for companies that have not undergone GST, all employers and employees shall attend the GST; but for those who have under gone the GST, only those who are in violation and affected and the immediate supervisors shall attend.
- 7.1.2.3 If found with a *second(2nd) violation*, employers shall be fined by PhP1, 000;
- 7.1.2.4 If found with a *third(3rd) violence*, resort to business permit suspension and, depending on the gravity of the case, revocation shall be applied.

Employees who find themselves in a situation where there is perceived or real discrimination may resort to the following measures:

7.1.3 Prescriptive Measures:

- 7.1.3.1 File a complaint with the QCPC for review of the case and, after review, for recommendation to the appropriate government agency;
- 7.1.3.2 In cases of immediate attention due to physical or psychological coercion or threat, the complainant shall be directed to QC Protection Center.

7.1.4 Reparative Measures:

- 7.1.4.1 Incorporate in Human Resources (HR) policies programs on how to **repair** strained relations between employer and employee. This shall be under the supervision and control of the Public Employment Services Office (PESO).
- 7.1.4.2 Denying or limiting opportunities to favorable terms and conditions of employment which afford employee advancement, in all areas of public service, including all levels of government service and employment in Quezon City;
- 7.1.4.3 Excluding membership in Labor unions or similar organizations;
- 7.1.4.4 Subjecting any employee to workplace harassment or any threat of physical, mental *and* verbal violence, intimidation and other threatening disruptive behavior committed by the employer, or by another employee; *and*
- 7.1.4.5 Dismissing the employee or subjecting the employee to any other detriment on the basis of actual or perceived SOGIE.

Section 8. Discrimination in Education. It shall be unlawful for an educational institution, both public and private, along with the institution's officers and employees, to discriminate against a person on the ground of actual or perceived SOGIE thereof by:

- 8.1 Unduly delaying, refusing, or failing to accept a person's application or admission as a student, without prejudice to the right of educational institutions to determine the academic qualifications of their students;
- 8.2 Providing onerous or unjust terms and conditions for admission of a person as a student;
- 8.3 Denying or limiting the students access to any benefit provided by the educational authority;
- 8.4 Expelling or subjecting the students to any penalty or any other detriment on the basis of actual or perceived SOGIE;
- 8.5 Refusing admission, denying acceptance or expelling or dismissing a student from academic, socio-civic organization and associations on the basis of actual or perceived SOGIE; and
- 8.6 Subjecting any student to harassment, bullying, or any threat of physical, mental and verbal violence, intimidation or other threatening disruptive behavior committed by teachers, professors, trainers, administrators or students.

Section 9. Discrimination in Socio-Cultural Activities

9.1 Denying access to socio-cultural resources, activities and benefits that will deprive LGBT persons of advancements in their personal or community development and progress.

9.2 Depriving LGBT persons of rights to equal opportunities in socio-cultural activities in the form of benefits, grants, scholarships, incentives, recognitions and other beneficial opportunities due to their SOGIE.

Section 10. Discrimination in the Delivery of Goods or Services. It shall be unlawful for a person, natural or juridical, whether as principal or agent, to discriminate against LGBT persons on the ground of actual or perceived SOGIE by:

10.1 Refusing to provide goods or services and/or imposing onerous terms and conditions to LGBT persons on the ground of one's actual or perceived SOGIE as a prerequisite for providing such goods or services where the said terms and conditions are not imposed on other persons under the same or similar circumstances:

10.2 Denying LGBT persons' access to health services and facilities, health insurance, and other related benefits as provided under the law.

10.3 Depriving LGBT persons to benefit from and participate in public events and gatherings to enjoy socio-cultural benefits such as holding activities specific to their community or receiving government's incentives due to their actual or perceived SOGIE.

Section 11. Discrimination in Accommodation. It shall be unlawful for a person, natural or juridical, whether as principal or agent, to refuse or limit access to any benefit associated to accommodation, on the ground of actual or perceived SOGIE by:

11.1 Refusing or failing to allow any person to avail of services or accommodation in an apartment, condominium, townhouse, flat, hotel, transient houses, inn, dormitory, boarding houses, and any other places of dwelling being rented out or offered to a public or for a fee;

11.2 Denying an application for a license, clearance, certification or any other document issued by the government authorities or other private or juridical entities for housing accommodation on the basis of actual or perceived SOGIE.

Section 12. Verbal, Non-Verbal Ridicule and Vilification. Any person, natural or juridical, is prohibited from vilifying or ridiculing any person on the basis of actual or perceived SOGIE, which could result in the loss of self-esteem of the latter through any of the following acts:

12.1 Making fun or contemptuous imitating or making a mockery whether in writing, or in words, or in action; even through jokes in a manner that is degrading resulting to the embarrassment of the person in front of two or more persons;

12.2 Uttering of slanderous and abusive statements, such as but not limited to (i) calling a person by verbal slurs alluding to their SOGIE in public which results to humiliation; (ii) using the SOGIE of a person as an example in a manner that is embarrassing and humiliating to the dignity of persons.

12.3 Executing any activity in public which incites hatred towards, serious contempt for, or severe ridicule of a person, such as but not limited to mobilizations in opposition to activity promoting equal rights for all.

12.4 Doing any other analogous act/s of ridicule in any time and place which could intimidate or result in loss of self-esteem of a person/s, such as but not limited to religious sermons or other public speeches that downgrade LGBT persons.

Section 13. Harassment, Unjust Detention and Involuntary Confinement. It shall be unlawful to commit harassment, unjust detention and involuntary confinement because of one's actual or perceived SOGIE.

Section 14. Disallowance from Entry and Refusal to Serve.

14.1 It shall be unlawful to refuse entry and/or disallow a person or group of persons from entering any establishment such as restaurants, bars, stores, movie houses, shopping malls, fitness centers, and places of entertainment and other businesses which are open to the general public;

14.2 and/or to refuse to attend to, or serve any orders for food, drinks and other goods, consumable and non-consumable;

14.3 or to subject one to discrimination or harassment in buses, taxis, ships, airplanes, on the basis of actual or perceived SOGIE.

Section 15. Promotion of Discrimination against LGBT Persons. It shall be unlawful to organize groups and activities which promote and incite discrimination against persons based on actual or perceived SOGIE.

Section 16. Analogous Acts. Any act of discrimination or harassment based on actual or perceived SOGIE, which demeans the dignity and self-respect of a person or impairs, mars, reduces or nullifies the recognition, enjoyment or exercise of a person's human and legal rights and basic freedoms in the civil, political, labor, economic, social, cultural, educational spheres, and other spheres.

Section 17. Crimes against LGBT Persons. Without prejudice to the provisions contained in Section IV of the Quezon City Gender-Fair Ordinance and the pertinent local ordinances, the following laws include crimes against LGBT persons:

- 17.1 RA 8353 (Revised Penal Code) Arts. 124-131, 148-1411, 245-250, 262-2611, 276-287, 2110-2112, 342, 353-362
- 17.2 RA 73011 (Creating Board of Claims for Victims of Unjust Imprisonment or Detention)
- 17.3 RA 7610 (Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act)
- 17.4 RA 7877 (Anti-Sexual Harassment Act)
- 17.5 RA 8353 (Anti-Rape Law)
- 17.6 RA 11262 (Anti-Violence Against Women and Children Act)
- 17.7 RA 10627 (Anti-Bullying Act)
- 17.8 Ordinance No. SP 1401-1, S-2004 (The Quezon City GAD Code)

**Rule IV
AFFIRMATIVE ACTS**

Section 18. Affirmative Acts in Employment.

18.1 Wage and Benefits for LGBT Persons. Every employer in Quezon City shall comply with the minimum wage as stipulated by the Regional Wage Board or as stipulated by pertinent legislation passed by Congress and shall grant all LGBT persons benefits afforded under existing laws, such as maternity/paternity leaves sick and vacation leaves, retirement, and benefits provided under special laws such as in R.A. No. 11262, among others;

18.2 Issuance of Annual Gender Sensitivity Training certificate including Sexual Orientation Gender Identity and Expression (SOGIE). All private offices, commercial/industrial establishments located in Quezon City shall encourage an annual sensitivity training or orientation for all employees, including a module on the elimination of all forms of discrimination on the basis of one's actual or perceived SOGIE. Dissemination to Employees and Posting of the Ordinance. A copy of the ordinance shall be provided to all employees upon engagement by the Hiring Officer or by the Human Resource Officer of any public or private entity where the employment is sought. A copy of the Ordinance shall be posted in two conspicuous places in the office where the business is located;

Section 19. Affirmative Acts in Education.

19.1 Equal Access to Education Opportunities. The Quezon City Government shall ensure equal access to opportunities for LGBT persons in various training and scholarships;

19.2 Availability of Anti-Discrimination Materials. All schools, colleges, universities and other educational and training institutions, whether public or private, located in Quezon City, shall develop and make available resource materials on gender rights and empowerment, including laws and ordinances pertinent to the elimination of any forms of discrimination on the basis of actual or perceived SOGIE, in the libraries;

19.3 Availability of Educational Materials highlighting Sexual Orientation, Gender Identity and Expression (SOGIE) concepts. All schools, colleges, universities and other educational and training institutions, whether public or private, located in Quezon City, shall develop and make available resource materials highlighting SOGIE concepts in the libraries. The following concepts shall be expounded but not limited to:

- 19.3.1 Queer studies, or Sexual Diversity Studies, or LGBT studies
- 19.3.2 Gender and Sexuality Studies
- 19.3.3 LGBT Psychology (*Philippine Journal of Psychology* of the Psychological Association of the Philippines (PAP));
- 19.3.4 Lesbians and Transgender Women in Women's Studies;
- 19.3.5 LGBT Political/Community Organizing;
- 19.3.6 LGBT Health (LGBT Sex Education, HIV/AIDS, Transgender Health);
- 19.3.7 LGBT and Society (LGBT and religion topics; *and*
- 19.3.8 LGBT rights; LGBT social movements; Sexual revolution; Social conservatism; Queer migration);

19.4 Elimination of Stereotyping. All schools, colleges, universities and other educational and training institutions, whether public or private, located in Quezon City, shall promote the elimination of sex-role stereotyping and gender-discriminatory role modelling for students in academics and extra-curricular activities;

19.5 Capacity-building for Teachers. The Quezon City Government through the Quezon City Pride Council (QCPC) together with the Division of City Schools and non-governmental organizations shall conduct capacity building activities and develop the curriculum for teachers on LGBT issues and concerns and integrate SOGIE-based rights in subjects such as but not limited to human rights, values, MAPE and social studies;

19.6 Protection of LGBT Teachers and Educators. All schools, Colleges Universities and other educational and training institutions, whether public or private located in the City, shall ensure respect for individual and protection of LGBT Teachers and Educators by:

- 19.6.1 No forced imposition of rules to reveal self-identified sexual orientation, gender identity and expression;
- 19.6.2 Non-public disclosure of the their self-identified sexual orientation, gender identity and expression;

19.6.3 Prohibition of making derogatory remarks; and

19.6.4 Opportunity for defense and rebuttal in cases of complaints and allegations.

Section 20. Affirmative Acts in the Delivery of Goods and Services.

20.1 Delivery of Goods and Services to Eligible Individuals. Establishments supplying physical goods and services shall ensure that goods and services are delivered to eligible individuals in a non-discriminatory manner in accordance with the standards provided under applicable laws;

20.2 Health, Insurance, Social Security and Other Benefits. All employers, in the public and private sectors, are urged to provide the same benefits afforded to spouses of their employees to the domestic partners and children of their LGBT employees. Provided that they register their beneficiaries with their employers. Such fact shall be proved by an affidavit executed by the *Punong Barangay*.

Section 21. Affirmative Acts in Accommodation.

21.1 Corporate Policies should ensure that LGBT people would be able to express with freedom their self-identified SOGIE in all forms of habitation and accommodation, such as condominiums, hotels, gyms, etc.

21.2 Membership in Clubs. LGBT persons shall enjoy equal access to membership in all social, civic and recreational clubs, committees, associations, and similar organizations devoted to public purpose. They shall be entitled to the same rights and privileges accorded to the heterosexual counterparts if they belong to the same organization.

Section 22. Affirmative Acts in Health.

22.1 Health Services LGBT persons and Capacity-Building and Training for Health Care Providers. In order to ensure that health care services shall be provided in a non-discriminatory manner, the Quezon City Government, through the City Health Department, shall:

22.1.1 Extend quality health care services and information on sexual, reproductive, and mental health without regard to one's marital status, age, religious affiliations, SOGIE, personal circumstances and nature of work;

22.1.2 Monitor and ensure that provisions for gender-sensitive, gender-responsive and accessible health services for LGBT persons are available both at the hospitals within the City and in *Barangay* Health Centers;

22.1.3 Develop modules for gender-sensitive and 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 education activities;

22.1.4 Encourage the establishment of an 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 SOGIE, in order to provide a comprehensive, responsive, and accessible health services. This should not remove the need for a SOGIE-sensitive and responsive training for health care workers and providers.

22.1.5 Build the capacities of *barangay* health workers and school and community-based health personnel in delivering gender-sensitive and gender-responsive health services based on a person's self-identified

SOGIE in coordination with the *barangay* and the Quezon City Pride Council;

- 22.1.6 Oversee implementation of sexual and reproductive health programs for all Quezon City-based establishments,
- 22.1.7 All *barangay* health workers shall refer LGBT persons seeking health information and services to appropriate health service providers;
- 22.1.8 Initiate dedicated measures for LGBT workers to access, without discrimination, Sexually Transmitted Disease (STD) and Sexually Transmitted Infections (STI) check-ups and treatments, including but not limited to, life saving Human Immunodeficiency Virus (HIV) management, prevention, care and support services;
- 22.1.9 Initiate a sensitization and training drive in all government health care facilities about the needs of the LGBT population vis-a-vis general health and medical emergencies.
- 22.1.10 All hospitals in Quezon City shall provide socialized health service for LGBT persons living below the poverty line. A Certificate of Indigency shall be issued by the *Punong Barangay*. In cases of emergency, a social worker or any authorized personnel shall be designated to conduct rapid appraisal of the socio-economic status of the patient for admission purposes.
- 22.1.11 All hospitals in Quezon City shall provide appropriate, evidenced-based medical counselling and HIV referrals for LGBT people.

Rule V LEGAL REMEDIES

Section 23. Persons Liable. Any person, natural or juridical, who commits any of the acts herein prohibited, shall be criminally liable and penalized accordingly. In case of juridical persons, such as, but not limited to, corporations, partnerships, associations, institutions, whether private or public, the President or head of office, shall also be criminally responsible.

Section 24. Penalties. Any person held liable under the Ordinance shall be penalized with imprisonment for a period of not less than sixty days (60) days but not more than one (1) year and/or a fine of not less than One Thousand Pesos (Php1,000.00) but not to exceed Five Thousand Pesos (Php5,000.00), or both at the discretion of the Court, without prejudice to any applicable criminal, civil, or administrative action that may be instituted under the provision of existing laws.

Section 25. Independent Action for Damages. Nothing in the Ordinance shall preclude the victim of discrimination based on actual or perceived SOGIE, from instituting a separate and independent action for damages and other affirmative relief.

Section 26. Prohibited Defense. Being under the influence of alcohol, any illicit drug or any other mind-altering substance shall not be a defense under the Ordinance.

Section 27. Hold Departure Order. The counsel for the *victim-survivor* or applicant may request the court for a Hold Departure Order. The court shall expedite the process of issuance of a Hold Departure Order in cases prosecuted under the Ordinance.

Section 28. Remedies under the Commission on Human Rights. Victims of violations of the ordinance shall be considered as victims of human rights violations and shall be entitled to other forms of assistance made available under the same.

Section 29. The Filing of Complaints. The filing of a complaint by the offended party using other remedies available under the law and to invoke any of the provisions of

existing laws, such as: the Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act (Republic Act No. 7610), the Anti-Sexual Harassment Act of 1995 (Republic Act 7877), the Anti-Rape Law 1997 (Republic Act 8353), the Rape Victim Assistance and Protection Act of 1998 (Republic Act No. 8505), the Anti-Trafficking in Persons Act of 2003 (Republic Act 11208), and the Anti-Violence Against Women and their Children Act of 2004 (Republic Act 1262) is encouraged.

Section 30. Confidentiality. At any stage of the investigation, rescue, prosecution and trial of an offense under the Ordinance, law enforcement officers, prosecutors, judges, court personnel, social workers and medical practitioners, as well as parties to the case, shall protect the right to privacy of the complainant.

30.1 Law enforcement officers, prosecutors and judges to whom the complaint has been referred may, whenever necessary to ensure a fair and impartial proceeding, and after considering all circumstances for the best interest of the parties, order a closed-door investigation, prosecution or trial.

30.2 The name and personal circumstances of the complainant or any other information tending to establish the identity of the complainant and the complainant's family shall not be disclosed to the public with the exception of the QC Pride Council, accredited NGOs supporting LGBT rights and researchers who will use the information to assist the victim-survivor or use the information for research purposes to raise awareness on issues related to SOGIE.

30.3 The investigating officer or prosecutor shall inform the parties that the proceedings can be conducted in a language known or familiar to them.

30.4 The editor, publisher, and reporter or columnist in case of printed materials, announcer or producer in case of television and radio, producer and director of a film in case of the movie industry, or any person utilizing tri-media facilities or electronic information technology shall not cause the publicity of the name, personal circumstances, or any information tending to establish the identity of the victim-survivor, except when the victim-survivor or, if deceased, the family or nearest relative knowingly, voluntarily and willingly waives said confidentiality; provided further that the QC Pride Council, accredited NGOs supporting LGBT rights may publicize such information to gather support for the victim-survivor.

30.5 Identities of children of LGBT persons shall not in any way be disclosed to the public without the consent of the parent/s, guardian, or a social worker of the Social Services Development Department.

30.6 Law enforcement officers, prosecutors, judges, court personnel, social workers and medical practitioners shall be advised on the importance of maintaining confidentiality as a means to protect the right to privacy of victims and to encourage victims to file complaints.

Section 31. Protection Order. The victim-survivor may obtain the remedy of protection order from the barangay or from the court. A protection order is an order issued under the ordinance for the purpose of preventing further acts of violence and discrimination against LGBT persons on the basis of SOGIE and granting other necessary reliefs. The relief granted under the protection order should serve the purpose of safeguarding the victim-survivor from further harm, minimizing any disruption in the victim-survivor's daily life. The protection order that may be issued by the barangay shall be known as the Barangay Protection Order (BPO).

31.1 The reliefs that may be granted under the BPO are the following:

31.1.1 Prohibition of the respondent from threatening to commit or committing, personally or through another, any of the prohibited acts under Section IV of the ordinance;

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31.1.2 Prohibition of the respondent from harassing, annoying, communicating with the *victim-survivor*, directly or indirectly.

31.2 Procedures to Apply for *Barangay* Protection Order (BPO):

31.2.1 The application for a *Barangay* Protection Order (BPO) shall be in writing, signed by the victim-survivor/ petitioner, and in a language understood by the victim-survivor. It shall be attested before the *Punong Barangay* who has jurisdiction over the application. The *Punong Barangay* shall assist the victim-survivor/petitioner in any application for a BPO. The *ex parte* determination on the application for protection order shall have priority over all proceedings.

31.2.2 The *Punong Barangay* must issue the BPO on the same day of application, immediately upon the conclusion of *ex parte* proceedings. The BPO shall state the last known address of the respondent, the date and time of issuance, and the protective remedies prayed for by the victim-survivor/petitioner. If the *Punong Barangay* is unavailable to act on the application for a BPO, the application shall be acted upon by any available *Barangay* Kagawad or by the *barangay* VAWC Helpdesk Officer or GAD Focal Person. In such a case, the order must be accompanied by an attestation by the *Barangay* Kagawad, VAWC Helpdesk Officer or GAD Focal Person, that the *Punong Barangay* was unavailable at the time of the issuance of the BPO.

31.2.3 A BPO is granted *ex parte*, without notice and hearing to the respondent. The victim-survivor/petitioner may be accompanied by any non-lawyer advocate in the proceedings before the *Punong Barangay*. The *Punong Barangay, Barangay Kagawad, VAWC Helpdesk Officer* or GAD Focal Person, law enforcers and other government agencies shall not mediate or conciliate for a protection order to compromise or abandon the relief sought.

31.2.4 The BPOs shall be effective for 15 days. Immediately after the issuance of an *ex parte* BPO, the *Punong Barangay* shall personally serve a copy of the same to the respondent, or direct any *barangay* official to effect its personal service. The BPO is deemed served upon receipt thereof by the respondent or by any adult who received the BPO at the address of the respondent. In case the respondent or any adult at the residence of the respondent refuses for whatever cause to receive the BPO, it shall likewise be deemed served by tendering a copy of the BPO at the said address in the presence of at least two (2) witnesses. The *barangay* official serving the BPO must issue a certification setting forth the manner, place and date of service, including the reasons why the same remain unserved.

31.2.5 The BPO shall be issued free of charge. Within twenty four (24) hours after a BPO is issued, the *Punong Barangay* or in his absence and inability, any available *Barangay* Kagawad shall assist the victim-survivor/petitioner in filing for an application for a Temporary Protection Order or Permanent Protection Order with the nearest court in the place of residence of the victim-survivor. For indigent petitioner, the *barangay* shall ensure that transportation and other expenses are provided for in filing for an application for a protection order with the courts.

31.2.6 The *Barangay* Secretary shall record all BPOs in a logbook specifically for cases of violence and discrimination against LGBTQ persons on the basis of their actual or perceived SOGIE. This logbook is confidential and must be kept from the public especially from media. All issued BPOs should be reported to the Field office of the Department of the Interior and Local Government (DILG), Quezon City Police District (QCPD), the Quezon City Pride Council (QCPC), the Commission on Human Rights (CHR) and in other designated agencies in Quezon City.

- 31.2.7 The issuance of a BPO or the pendency of an application for a BPO shall not preclude the victim-survivor/petitioner from applying for, or the court from granting, a Temporary Protection Order or a Permanent Protection Order. However, where a TPO or PPO has already been granted by any court, the *barangay* official may no longer issue a BPO.

Section 32. Criminal and Non-Criminal Complaints.

32.1 The criminal complaints for violation of the ordinance shall be filed directly with the Metropolitan Trial Court (MeTC) while civil complaints for damages shall be filed with either the Regional Trial Court (RTC);

32.2 Complaints for mediation may be filed with the QC Pride Council Executive Committee as a venue where their remedy is a Notice of Complaint to be sent by the QC Pride Council Hearing Officer to the respondent within the same day the complainant sought assistance and the respondent will be given five days to answer, admit fault, enforce measures to end the violations based on SOGIE or perceived SOGIE.

Section 33. Mediation by the Quezon City Pride Council. A QCPC Task Force is created to monitor, respond and assist in the filing of cases of discrimination, violence and other cases related to the LGBT community. This will be under the Legal Program of the Quezon City Pride Council Executive Committee.

33.1 Procedure in the Disposition of SOGIE-Based Cases under the QCPC Executive-Committee :

33.1.1 *Filing of Complaint.* All complaints for violation of the Ordinance must be under oath and supported by affidavit of the offended party or any other person as may be allowed by law.

33.1.2 *Action on the Complaint.* Upon receipt of a complaint which is sufficient in form and substance, the Chairperson of the QCPC shall within two (2) days transmit the same to the Executive Committee. The Executive Committee for this purpose will designate hearing officers from among themselves. A Notice of Complaint will be sent to the respondent alleging the violations of the Ordinance.

33.1.3 *Duration of Proceedings.* The proceedings shall commence not later than Five (5) days from receipt of the complaint by the Executive Committee and shall be terminated not later than ten (10) days thereafter.

33.1.4 *Filing an Answer.* The respondent is given five (5) days from receipt of the complaint to file the answer thereto. If respondent fails or refuses to file the answer, respondent shall be considered to have waived the right to file an answer to the complaint and the formal investigation may already commence.

33.1.5 *Continuous Hearing until Terminated.* Hearing shall be conducted on the hearing dates set by the hearing officer or as agreed upon during the pre-hearing conference. Postponements shall not be allowed except on meritorious cases, provided that a party shall not be granted more than two (2) postponements.

33.1.6 Admission of Fault, Damages, Measures to End Violations. Respondent may admit fault, enforce measures to end the violations based on SOGIE or perceived SOGIE.

33.1.7 Fault and the Committee finds the existence of a prima facie case, the victim-survivor shall be assisted by the hearing officer in filing the proper complaint for violation of the Ordinance, whether criminal, civil and administrative with the court, to ensure access to legal representation and psychological counselling services. Should the complainant decide not to

file the case within *five (5)* days, the Committee shall issue a Warning to the respondent.

Section 34. Violation and Discrimination Shield. In prosecution for violence and discrimination against LGBT persons on the basis of actual or perceived SOGIE, evidence of complainants' past sexual conduct, sexual behavior and expression and opinion thereof of the person's reputation shall not be admitted.

Section 35. Protective Measures. At any stage of the investigation, prosecution and trial of a complaint for discrimination and violence against LGBT persons on the basis of actual or perceived SOGIE under the Ordinance, the police officer, the prosecutor, the court and its officers as well as the parties to the complaint shall recognize the right to privacy of the offended party and the accused.

35.1 The police officer, prosecutor, or the court to whom the complaint has been referred may, whenever necessary to ensure fair and impartial proceedings and after considering all circumstances for the best interest of the parties, order a closed-door investigation, prosecution or trial and that the name and personal circumstances of the offended party and/or the accused, or any other information tending to establish their identities, and such circumstances or information on the complaint shall not be disclosed to the public.

35.2 Barangay Officials, law enforcers, prosecutors and court personnel shall not disclose the names and personal circumstances of the victims or complainants or any other information tending to establish their identities to the media or the public or compromise one's identity.

35.3 The investigating officer or prosecutor shall inform the parties that the proceedings can be conducted in a language known or familiar to them.

35.4 It shall be unlawful for any editor, publisher, reporter or columnist in case of printed materials, announcer or producer in case of television and radio, producer and director of a film in case of the movie industry, or any person utilizing tri-media or information technology to cause publicity of the name or identity of the victim or complainant without the person's consent.

35.5 Identities of children of LGBT persons shall not in any way be disclosed to the public without the conformity of the Department of Social Works and Development (DSWD) officer of Quezon City.

35.6 Any person who violates this provision shall suffer the penalty of one (1) year imprisonment and a fine of not more than Five Thousand Pesos (5,000.00).

Section 36. Legal Protection for Persons Intervening and Assisting Victims. In every case of discrimination and violence against LGBT persons on the basis of SOGIE as herein defined, any person, private individual or police authority or *barangay* official who, acting in accordance with law, responds or intervenes without using violence or restraint greater than necessary to ensure the safety of the victim-survivor, shall not be liable for any criminal, civil, administrative liability resulting therefrom.

Workers of non-government organizations, people's organizations, church, civic and other groups, be they Filipino citizens or foreigners, fall under "*any person*" and are free from any criminal or civil liability when acting in accordance with the law in responding to a call for help or when assisting the victim-survivor.

36.1 Parties that may be report to police authority or Barangay are the following:

- 36.1.1 Offended party;
- 36.1.2 Offended party's spouse or common law partner whether of the same or opposite sex;
- 36.1.3 Parents or guardian of offended party;

- 36.1.4 Ascendants, descendants or collateral relatives within the fourth civil degree of consanguinity or affinity;
 - 36.1.5 Officers or social workers of the DSWD or social workers of local government units (LGUs)
 - 36.1.6 Police officers, preferably those in charge of women and children's desks;
 - 36.1.7 *Punong Barangay or Barangay Kagawad*;
 - 36.1.8 Officers or members of LGBTQ People's Organizations in the *barangays* or community-based organizations;
 - 36.1.9 At least two (2) concerned responsible citizens of the city or *barangay* where the discriminatory incident occurred and who has personal knowledge of the offense committed; *and*
 - 36.1.10 Anonymous reporting involving acts of discrimination and violence against LGBT persons on the basis of actual or perceived SOGIE, initiated by persons who prefer anonymity shall be entertained, and the person who reported the incident shall be afforded protection from possible retaliation.
- 36.2 Cases can be reported or filed to the following:
- 36.2.1 Quezon City Police District in all police stations in Quezon City (VAWC Desks/Human Rights Desks), in close coordination with Quezon City Protection Center; *and*
 - 36.2.2 Barangay VAWC Desk in Quezon City where the incident occurred or the place of residence of the offended or offending party.
 - 36.2.2.1 *Barangay* officials and law enforcement agents shall also extend assistance in filing cases brought to their attention.
 - 36.2.2.2 Acts falling under this Article will be penalized as stipulated in this IRR, depending on the severity of the case.
 - 36.2.2.3 Victims of illegal detention/imprisonment and involuntary confinement may file claims for compensation under the Republic Act 73011. The victims of violent crimes resulting from discriminatory acts defined in the ordinance should also be assisted by the QCPD/*Barangay* VAWC Desk officers until the necessary requisites have been filed with the Board of Claims under the Department of Justice.
 - 36.2.2.4 Discriminatory cases may also be reported by any of the officers from PESO/BPLO or social workers of the DSWD or social workers of local government units (LGUs) who are knowledgeable of the incident.

The QCPC may recommend further investigation of any violation of the Ordinance. These sanctions are independent to other penalties stipulated in other relevant laws or ordinances.

Cases of discrimination and other analogous acts may be also be filed with any Grievance Machineries or similar mechanisms of the GAD Code of Quezon City.

Victims of Prohibited Acts may obtain the remedy of a protection order from the *barangay* or from the court. A protection order is an order issued to prevent further acts of discrimination of these IRR and granting other necessary reliefs.

Rule VI
INCORPORATION OF SEXUAL ORIENTATION, GENDER IDENTITY AND EXPRESSION (SOGIE) CONCERNS WITH FUNCTIONS OF EXISTING VIOLENCE AGAINST WOMEN AND CHILDREN (VAWC) DESK/HUMAN RIGHTS DESK IN QUEZON CITY POLICE DISTRICT (QCPD).

Section 37. The Quezon City Police District is encouraged to handle specific concerns relating to SOGIE through the existing Violence Against Women or VAWC/Human Rights Desk in all police stations in Quezon City, in close coordination with Quezon City Protection Center.

37.1 Upon receipt of complaint, the Quezon City Police District (QCPD)/Scene of the Crime Operatives (SOCO) through the existing VAWC/Human Rights Desk shall conduct appropriate investigation which includes, but is not limited to, taking the formal statement of the victim-survivor and collecting other evidence necessary for the filing of a complaint under the Ordinance;

37.2 The Quezon City Police District (QCPD)/Scene of the Crime Operatives (SOCO) through the existing VAWC/Human Rights Desk shall update the QCPC Executive Committee on their investigation or filed cases within five (5) days from receipt of information or complaint;

37.3 After the conduct of police investigation, VAWC/Human Rights Desk Officer shall refer the victim-survivor to the Social Services Development Department (SSDD) or other service providers for psychosocial intervention and other rehabilitation programs;

37.4 In cases where such abuse, discrimination and intolerance resulted to violence, the VAWC/Human Rights Desk Officer shall assist in the application and enforcement of the provisions of the protection order as may be issued by the barangay or the court;

37.5 Assist Barangay officials, and other parties in interest, to a call for emergency assistance to ensure immediate protection of the victim-survivor when such abuse, discrimination and intolerance of resulted to violence by entering the dwelling if necessary whether or not a protection order has been issued; and

37.6 Effect the arrest of the perpetrator by virtue of a warrant issued by the court pursuant to existing laws, in case such abuse, discrimination and intolerance resulted to violence. In the event that any crime under the ordinance has been committed, is being committed or about to be committed, or that any police officer has personal knowledge of the facts indicating the commission of such crime, it shall be his or her duty to arrest the perpetrator even without the strength of a warrant provided the offender shall be proceeded in accordance with Section 5, Rule 113 of the Rules of Court.

Rule VII
INCORPORATION OF SEXUAL ORIENTATION, GENDER IDENTITY AND EXPRESSION (SOGIE) CONCERNS WITH THE FUNCTIONS OF THE EXISTING BARANGAY VIOLENCE AGAINST WOMEN AND CHILDREN (VAWC) DESK.

Section 38. All barangays in Quezon City are encouraged to handle concerns relating to SOGIE through the existing Barangay Violence Against Women and Children (VAWC) Desk.

38.1 Develop a system to document and report cases of discrimination and violence against actual or perceived SOGIE, and provide assistance to the victims thereof;

38.2 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 LGBT persons;

38.3 Assist victims in filing appropriate complaints with the Quezon City Police District (QCPD) or other law enforcement agencies;

38.4 Ensure that all pertinent documents are forwarded to the QCPD;

- 38.5 Respond to gender-based violence cases brought to the *barangay*;
- 38.6 Record number of gender-based violence handled by the *barangay* and submit a quarterly reports on all cases of LGBT persons to the DILG City Field Office and Social Welfare Development Office;
- 38.7 Keep LGBT case records confidential and secured, and ensure that only authorized personnel can gain access;
- 38.8 Assist victims of crimes and abuses against LGBT persons in securing Barangay Protection Order (BPO) and access necessary services;
- 38.9 Develop *barangay's* gender-responsive plan in addressing gender-based violence, including support services, capacity building and referral system;
- 38.10 Coordinate with and refer cases to government agencies, non-government organizations (NGOs), institutions, and other service providers as necessary;
- 38.11 Address other forms of abuse committed against LGBT persons, especially senior citizens, those with disabilities, and other marginalized groups;
- 38.12 Lead advocacies on the elimination of SOGIE-based crimes and discrimination in the community.

Rule VIII

ROLES AND RESPONSIBILITIES OF CITY DEPARTMENTS AND OFFICES

Section 39. The different departments of the local government shall ensure the proper implementation of the ordinance in the department they supervise and are required to ensure that discrimination will never be exercised, encouraged and promoted against LGBT persons in their office and when they render service expected from their department.

Rule IX

ANTI-DISCRIMINATION PROGRAMS, SERVICES AND ENTITLEMENTS

Section 40. The Quezon City Pride Council (QCPC) shall implement programs and services to ensure punitive and preventive measures to address discrimination based on SOGIE.

Section 41. To ensure proper implementation and monitoring of the Gender Fair Ordinance, The Quezon City Pride Council (QCPC) shall:

- 41.1 Monitor complaints concerning violations of any provision of this Ordinance;
- 41.2 Facilitate and assist the victims of stigma and discrimination to ensure that they have legal representation, counseling and psychological assistance;
- 41.3 Maintain discrimination case documentation, case monitoring system, and set-up a databank to easily access various cases and experiences of stigma and discrimination;
- 41.4 Recommend to the *Sangguniang Panlungsod* anti-discrimination policies; and
- 41.5 Monitor or review all policies embodied in resolutions, ordinances, codes and other policy documents to determine if they are free from discriminatory statements and provisions, and undertake necessary amendments of those provisions to effectively eliminate discrimination, stigma, and stereotyping LGBTs.

RULE X
COMMEMORATION OF LESBIAN, GAY, BISEXUAL AND TRANSGENDER (LGBT)
EVENTS

Section 42. In support of the **Lesbian, Gay, Bisexual and Transgender (LGBT)** community, the Quezon City Government shall commemorate the annual celebration of the following:

- 42.1 International Day against Homophobia and Transphobia (IDAHO) on May 17
- 42.2 Philippine Pride March on the First Saturday of December;
- 42.3 World Aids Day on December 1; and
- 42.4 Human Rights Day on December 10
- 42.5 Commemoration of these events will be under the Developmental and Socio-Cultural Program of the QCPC Executive Committee alongside other LGBT related events.

Rule XI
COMPOSITION OF THE QUEZON CITY PRIDE COUNCIL (QCPC)

Section 43. **Composition and function of the Quezon City Pride Council.** The QCPC and Secretariat. Directly under the QCPC is the QCPC Secretariat. The implementing bodies are the following. *To wit:*

- 43.1 The **Quezon City Pride Council (QCPC)** shall be composed of the following:
 - 43.1.1 Chairperson - Quezon City Mayor
 - 43.1.2 Co-chairperson - Quezon City Vice Mayor
 - 43.1.3 Vice-chairperson - Committee on Women, Gender and Family Relations Chairperson
 - 43.1.4 **Members** :
 - 43.1.4.1 *Head*, Public Employment Services Office;
 - 43.1.4.2 *Chief* of Business Permits and Licensing Office;
 - 43.1.4.3 *Superintendent* of the Division on City Schools;
 - 43.1.4.4 Representative, Gender Development Council;
 - 43.1.4.5 (4) Representatives from LGBT Non-Government Organizations **accredited** by the QCG;
 - 43.1.4.6 Head of the Quezon City Health Department
 - 43.1.4.7 Representative from the Quezon City Police Department;
 - and
 - 43.1.4.8 *Head* of the Housing, Community Development and Resettlement Department.
- 43.2 The **Quezon City Pride Council (QCPC)** shall:
 - 43.2.1 Perform oversight functions of the QCPC ExeCom;
 - 43.2.2 Evaluate, review, revise and approve the work of the QCPC ExeCom;
 - 43.2.3 Approve budgetary priorities of the QCPC ExeCom;
 - 43.2.4 Approves appointment and designation of individuals to the QCPC ExeCom including the Secretariat and Programs; and
 - 43.2.5 Provide opportunities to the QCPC ExeCom for SOGIE integration and inclusion work;

Section 44. QCPC Secretariat shall be constituted by the QCPC from persons coming from the academe, accredited non-government organizations, spiritual or religious groups, business sector, media, political groups, human rights, women's group, migrant workers groups, health, women, and children, and other sectors and groups.

- 44.1 The QCPC shall ensure gender balance in the Secretariat;
- 44.2 The Secretariat shall have at least 1 representative each from the lesbian, gay, bisexual, and transgender groups.
- 44.3 The members of the the Secretariat shall be a resident of Quezon City and whose work primarily benefits residents and communities of Quezon City; and

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44.4 Selection of, and approval of membership to the QCPC Secretariat shall be based on merit, achievements, and contribution of expertise, subject to the approval of the QCPC Advisory Board.

Rule XII
OVERSIGHT FUNCTIONS OF THE QUEZON CITY PRIDE COUNCIL (QCPC)
UNDER .

Section 45. The Quezon City Pride Council shall perform oversight functions over the implementation of the Ordinance, including the implementation of Anti-Discrimination programs provided herein. The QCPC under the leadership and mandate of the QCPC Executive Committee shall exercise the following principal functions:

- 45.1 Monitor complaints concerning violations of any provision of the Ordinance;
- 45.2 Facilitate and assist the victims of stigma and discrimination to ensure that they have legal representation, counselling and psychological assistance;
- 45.3 Maintain discrimination case documentation, case monitoring system, and set-up a databank to easily access various cases and experiences of stigma and discrimination;
- 45.4 Recommend to the *Sangguniang Panlungsod* anti-discrimination policies; QCPC shall study and recommend an office with *plantilla* positions to undertake this task; and
- 45.5 Monitor or review all policies embodied in resolutions, ordinances, codes and other policy documents to determine if they are free from discriminatory statements and provisions, and undertake necessary amendments of those provisions to effectively eliminate discrimination, stigma, and stereotyping LGBTQ persons.

Rule XIII
APPROPRIATION

Section 46. For the effective implementation of the Ordinance, the City Government shall source out funds from the five percent (5%) of the annual budget appropriated to finance Gender and Development (GAD) plans, projects and programs.

The Quezon City Pride Council (QCPC) shall convene with the Quezon City GAD Council to identify priority programs by the City once the IRR has been passed.

RULE XIV
ANTI-DISCRIMINATION PROGRAMS

Section 47. Funds shall be allocated by the Quezon City government for the implementation of the following programs under the leadership of the Quezon City Pride Council (QCPC).

- Discrimination Databank and Monitoring;
- Access to legal representation of victims of discrimination based on sexual orientation, gender identity and expression (SOGIE); and
- Psychological Counselling;
- Policy Review;
- Organization of lesbian, gay, bisexual and transgender (LGBT) persons in the *barangay* to ensure sectoral representation in the City Government;

RULE XV
PERSONS LIABLE

Section 48. Any person, natural and juridical, who commits any acts herein prohibited, shall be criminally liable and penalized accordingly. In case of juridical persons, such as, but not limited to, corporations, partnerships, associations, institutions, whether private or public, the president or head of office, shall also be criminally responsible.

**RULE XVI
PENALTIES**

Section 49. Any person held liable under the Ordinance shall be penalized with imprisonment for a period of not less than sixty days (60) days but not more than one (1) year and/ or a fine of not less than One Thousand Pesos (Php1, 000) but not to exceed Five Thousand Pesos (Php5,000), or both at the discretion of the Court, without prejudice to any applicable criminal, civil or administrative action that may be instituted under the provision of existing laws.

**RULE XVII
INDEPENDENT ACTION FOR DAMAGES**

Section 50. in this IRR shall preclude the victim of discrimination based on actual or perceived sexual orientation, gender identity and expression, from instituting a separate and independent action for damages and other affirmative relief.

**Rule XVIII
INCENTIVES AND AWARDS**

Section 51. There shall be established an incentives and awards system which shall be administered by a Committee under such Rules and Regulations and standards as may be promulgated by the Quezon City Pride Council (QCPC). *Furthermore*, equivalent awards shall be given by the QCPC to deserving individuals, entities and government agencies for their outstanding achievements and/or performance in upholding the rights of LGBTQ persons and effective implementation of LGBTQ-responsive and LGBTQ-sensitive programs.

**RULE XIX
AMENDATORY PROVISION**

Section 52. This Implementing Rules and Regulations (IRR) may be amended by the Quezon City Pride Council (QCPC), from time to time, in order to cope with the changing times or demands of developing social conditions.

**RULE XX
FINAL PROVISIONS**

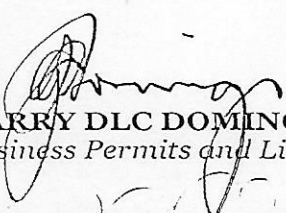
Section 53. Separability Clause. If, for any reason, this Implementing Rules and Regulations (IRR) is declared invalid or unconstitutional by a court of competent jurisdiction, provisions of this IRR **not** declared invalid or unconstitutional shall remain in full force and effect.


Section 54. Other forms of Dissemination. This Implementing Rules and Regulations (IRR) shall likewise be posted on the Official Website of the Quezon City Government and a copy of the same shall also be distributed to each Business Establishments engaging in the mentioned purpose in Quezon City.


Section 55. Effectivity. This Implementing Rules and Regulations (IRR) shall take effect upon its approval.


Approved, this ___ of _____ 2015, Quezon City.

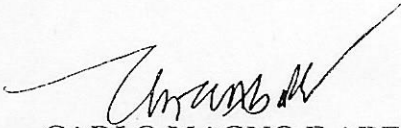
Recommending Approval:



GARRY DLC DOMINGO
Business Permits and Licensing Office

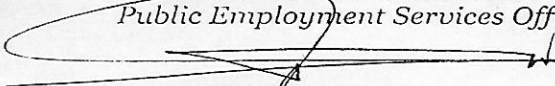

MA TERESA M MARIANO
Social Services and Development Office

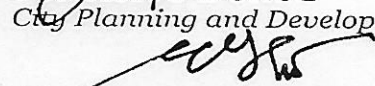

VERDADES P LINGA, MD, MPH
City Health Department
VBC


ELIZABETH E QUESADA, CESO V
Division of City Schools
IMPLEMENTING RULES AND REGULATIONS
Pursuant to Ordinance No Sp-2357, Series of 2014


CARLO MAGNO E ABELLA
Public Employment Services Officer

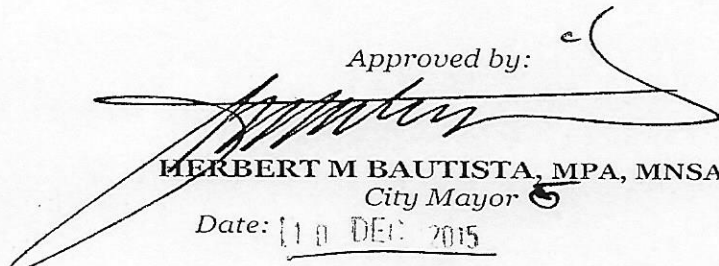

TOMASIYO L CRUZ
City Planning and Development Officer


RAMON T ASPRER
Head, Housing, Community Development and Resettlement Department


CSUPT EDGARDO G TINIO, PNP
District Director, Quezon City Police District


ALDRIN C CUNA, MNSA
City Administrator

Approved by:


HERBERT M BAUTISTA, MPA, MNSA
City Mayor

Date: 10 DEC 2015