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Republic of the Philippines  
City of Baguio  
SANGGUNIANG PANLUNGSOD  
(CITY COUNCIL)

REGULAR SESSION HELD ON 20 FEBRUARY 2017

PRESENT:

Hon. Edison R. Bilog, *City Vice-Mayor and Presiding Officer*;  
Hon. Leandro B. Yangot Jr., *Member*;  
Hon. Edgar M. Avila, *Member*;  
Hon. Joel A. Alangsab, *Member*  
Hon. Faustino A. Olowan, *Member*;  
Hon. Elmer O. Datuin, *Member*;  
Hon. Maria Mylen Victoria G. Yaranon, *Member*;  
Hon. Elaine D. Sembrano, *Member*;  
Hon. Peter C. Fianza, *Member*;  
Hon. Lilia A. Fariñas, *Member*;  
Hon. Arthur L. Allad-iv, *Member*;  
Hon. Benny O. Bomogao, *Member*; and  
Hon. Michael L. Lawana, *Ex-Officio Member*;

ABSENT:

Hon. Roberto C. Ortega, *Member* (on vacation leave).

VACANT:

Ex-Officio Member (President, Pederasyon ng mga Sangguniang Kabataan,  
City Chapter).

*Introduced by Hon. City Vice-Mayor Edison R. Bilog  
and coauthored by Hon. Leandro B. Yangot Jr.,  
Hon. Edgar M. Avila,  
Hon. Joel A. Alangsab,  
Hon. Faustino A. Olowan,  
Hon. Elmer O. Datuin,  
Hon. Maria Mylen Victoria G. Yaranon,  
Hon. Elaine D. Sembrano,  
Hon. Peter C. Fianza,  
Hon. Lilia A. Fariñas,  
Hon. Arthur L. Allad-iv,  
Hon. Benny O. Bomogao,  
Hon. Michael L. Lawana, and  
based on the report and recommendation  
of the Committee on Laws,  
Human Rights and Justice.*

**ORDINANCE Numbered 13  
(Series of 2017)**

**PROHIBITING DISCRIMINATION AND ENFORCING EQUALITY  
BEFORE THE LAW AND EQUAL PROTECTION OF THE LAW WITHOUT  
ANY DISCRIMINATION IN THE CITY OF BAGUIO ON THE BASIS OF  
RELIGION, ETHNICITY, SEXUAL ORIENTATION AND GENDER  
IDENTITY, HEALTH STATUS, DISABILITY, AND AGE, PROVIDING  
PENALTIES FOR VIOLATION THEREOF AND FOR OTHER PURPOSES.**

**Explanatory Note**

Discrimination is a crucial and serious issue which still pervades especially against persons with disability, senior citizens and elderly, children and youth, people living with human immunodeficiency virus (HIV), women, lesbians, gays, bisexuals, transgender, people with different religious persuasion, and indigenous peoples.

Hence, the promulgation of the 1987 Constitution of the Republic of the Philippines which extols the virtues of equality, liberty, and justice, under Article XIII, Section 1(a), which provides, "The Congress shall give highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity, reduce social economic and political inequalities, and remove cultural inequities..." Furthermore, Article II, Section 11, states, "The State values the dignity of every human person and guarantees full respect for human rights". Also, under Article III, Section 1, 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 laws".

Pursuant to the democratic precept which places high premium on the importance of fundamental human rights and entitlements, the Philippines entered into several international agreements that seek to eliminate all forms of discrimination and abuse.

On this note, every person must be given equal access to opportunities in all fields of human endeavor 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.

Thus, the promotion and upholding of their rights will not only enhance their freedom, welfare, and dignity as humans but will also promote social justice as a whole and will contribute in the creation of human rights sensitive culture in the country.

This Ordinance shall comply with these mandates of the highest law of the land.

NOW, THEREFORE, on motion of Hon. Olowan, Hon. Avila, and Hon. Bomogao, seconded by Hon. Yangot, Hon. Lawana, and Hon. Sembrano,

BE IT ORDAINED BY THE *SANGGUNIANG PANLUNGSOD* (CITY COUNCIL) IN SESSION ASSEMBLED THAT:

**SECTION 1. TITLE.** - Prohibiting Discrimination and Enforcing Equality Before the Law and Equal Protection of the Law Without any Discrimination in the City of Baguio on the Basis of Religion, Ethnicity, Sexual Orientation and Gender Identity, Health Status, Disability, and Age, and Providing Penalties for Violation Thereof and for Other Purposes. This Ordinance shall also be known and cited as the "*Anti-Discrimination Ordinance of the City of Baguio*".

**SECTION 2. DECLARATION OF POLICY.** - Consistent with the principles of the 1987 Constitution of the Republic of the Philippines, the international human rights and humanitarian standards, the international treaties adhered to by the Philippines, and existing Philippine laws, it is hereby declared a policy of the City of Baguio to adopt a human rights-based approach for the elimination of all forms of discrimination to ensure full and effective equality of opportunity, participation, and inclusion in society. Towards this end, discriminatory practices as defined herein shall be proscribed and penalized.

**SECTION 3. DEFINITION OF TERMS.** - For purposes of this Ordinance, the following terms shall be defined:

**Discrimination** shall refer to a distinction, exclusion, restriction or preference made on the basis of disability, age, health status, sexual orientation, gender identity, ethnicity, and religion which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal footing of the human rights and fundamental freedoms in the civil, political, economic, social, cultural, or any other field of public life of a person.

**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.

**Ethnicity** refers to the characteristic of a person or group of persons sharing a common and distinctive racial, national, religious, linguistic, cultural, and indigenous heritage.

**Sexual Orientation** refers to each person's capacity for profound emotional, affectional, and sexual attraction to, and intimate relations with, individuals of a different gender or the same gender or more than one gender.

**Gender Identity** refers to one's internal deeply-held sense of one's gender which may be the same or different from one's sex assigned at birth. One's gender identity may be male, female, neither or both, e.g. non-binary.

**Health Status** refers to both physical and mental health of an individual, group or populations as perceived by the individual or as diagnosed by competent medical health officer. In particular, human immunodeficiency virus and acquired immune deficiency syndrome (HIV-AIDS) status of a person and health conditions such as but not limited to leprosy, hepatitis, and tuberculosis among others, that subjects them to social stigma.

**Disability** refers to an individual with,

- 1) Physical or mental impairment that substantially limits one or more psychological, physiological or anatomical function of an individual or activities of such individual;
- 2) Record of such impairment; or
- 3) Being regarded as having such impairment.

Age refers to the person's time of existence or duration of life. This is in reference to ageism where one is discriminated on the basis of age.

**SECTION 4. PROHIBITED ACTS.** - The following prohibited acts are violations of civil and political rights:

- a. Discrimination in political participation;
- b. Discrimination in accessing public places, facilities, and public meetings;
- c. Denial of right to organize;
- d. Discrimination in education materials, advertisement, mass media;
- e. Engaging in profiling;
- f. Discrimination through speeches, utterances, acts of hatred, and similar acts;
- g. Detention and confinement; and
- h. Abuses by state and non-state actors.

On the other hand, the following prohibited acts are violations of economic, social, and cultural rights:

- a. Denial of right to work;
- b. Denial of right to education;
- c. Denial of access to goods and services;
- d. Discrimination on accommodation/lodging establishment;
- e. Inflicting stigma;
- f. Inciting others to commit acts of discrimination; and
- g. Inflicting harm on health and well-being.

**SECTION 5. ANTI-DISCRIMINATION PROGRAMS.** - The City Government of Baguio shall endeavor to ensure that discrimination is prevented and effectively addressed through the following programs:

- a) **Discrimination and Stigma Reduction Program** - The City Government of Baguio shall allocate funds to address discrimination and stigma which has the following components:

Capacity Building and Education Campaign - To curb social stigma and eliminate discrimination, 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:

- i. **Discrimination and Stigma Studies and Databank** - Fund 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.
  - ii. **Discrimination and Stigma Monitor** - 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.
- b) **Access to Scholarships, Skills, Employment and Livelihood Opportunities** - The City Government of Baguio shall ensure that all persons residing in the City of Baguio shall have equal access to scholarships, skills trainings, employment, livelihood opportunities, and microfinance opportunities and ensure equitable access by persons who for reasons of disability, age, health status, sexual orientation, gender identity, ethnicity, and religion are discriminated.
  - c) **Access to Legal Representation** - The Public Attorney's Office, Baguio City, shall facilitate and assist that the victims of stigma and discrimination are afforded legal representation during documentation and filing of cases as well as the duration of the case.
  - d) **Policy Review** - The City Government of Baguio 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 to those provisions to effectively eliminate discrimination, stigma, and stereotypes.
  - e) **Social Protection Program** - The City Government of Baguio shall implement social protection measures for individuals, groups, sectors, and communities affected by and vulnerable to stigma and discrimination.

**SECTION 6. IMPLEMENTATION.** - The City Government of Baguio through the City Social Welfare and Development Office shall be directly and primarily responsible for the implementation of the provisions of this Ordinance. It shall be the duty of the City Social Welfare and Development Office to coordinate with other appropriate agencies and offices to implement the programs provided under Section 5, and monitor or take action on any complaint brought before it falling under the provisions of Section 4: Provided, That an Anti-Discrimination Committee shall be created within one year from the effectivity of this Ordinance.

Complaints referred to the barangay for conciliation and mediation purposes shall be in accordance with the provisions of the Local Government Code of 1991, as amended.

Work-related discriminations shall be subject to the provisions of the Labor Code of the Philippines and other pertinent laws such as but not limited to the Magna Carta for Persons with Disability, Magna Carta for Senior Citizens, Child and Youth Welfare Code, Magna Carta for Women, and Indigenous Peoples' Rights Act. There is 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.

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 to the appropriate court and other concerned government agencies.

**SECTION 7. PENALTIES.** - Any person or entity who violates any provision of this Ordinance shall suffer the following graduated penalties:

- a) First Offense - the offender violating this Ordinance shall be penalized with a fine of ₱1,000.00 or an imprisonment of one day to 30 days, or both, at the discretion of the Court.
- b) Second Offense - the offender violating this Ordinance shall be penalized with a fine of ₱3,000.00 or an imprisonment of one day to 30 days, or both, at the discretion of the Court.
- c) Third Offense or oftener - the offender violating this Ordinance shall be penalized with a fine of ₱5,000.00 or an imprisonment of one day to 30 days, or both, at the discretion of the Court.

**SECTION 8. SEPARABILITY CLAUSE** - If, for any reason or reasons, any part of this Ordinance shall be held unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force or effect.

**SECTION 9. REPEALING CLAUSE.** - All Ordinances which are inconsistent with this Ordinance, are hereby repealed or modified accordingly.

**SECTION 10. EFFECTIVITY CLAUSE** - This Ordinance shall take effect in accordance with the provisions of the Local Government Code of 1991, as amended.

Unanimously passed.


CERTIFIED CORRECT:

  
EDISON R. BILOG  
City Vice-Mayor and  
Presiding Officer  
MAR 01 2017

Attested:

  
BRENNER C. BENGWAYAN  
Secretary to the Sanggunian

APPROVED:

  
MAUREEN G. TOMOGAN  
City Mayor  
01 MAR 2017