



بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Republic of the Philippines
BANGSAMORO AUTONOMOUS REGION IN MUSLIM MINDANAO
Province of Tawi-Tawi
Municipality of Panglima Sugala



OFFICE OF THE SANGGUNIANG BAYAN

ORDINANCE No. PS-001-2023
Series of 2023

COMPREHENSIVE ANTI-DISCRIMINATION ORDINANCE IN THE MUNICIPALITY OF PANGLIMA SUGALA

Authored by: Hon. Abdulyasser H. Bairulla
Chairman: Committee on Human Rights

EXPLANATORY NOTE

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

WHEREAS, Article XIII, Section 1 of the 1987 Philippine Constitution enunciates the enactment of measures that protect and enhance the right of the people to human dignity, reduce social, economic, and political inequalities, and remove cultural inequities which shall be given the highest priority. Furthermore, Section 2 thereof pronounces the promotion of social justice;

WHEREAS, the Philippines is a party to several international covenants such as the Universal Declaration of Human Rights (UDHR), International Covenant on Economic, Social and Cultural Rights (ICESR), 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 the Child (CRoC), the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CRMW), and the Convention on the Right of Persons with Disabilities (CRPD) that seek to eliminate all forms of discrimination and abuse, among others;

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

WHEREAS, stigma and discrimination still prevails especially against persons with disability, the senior citizen and elderly, children and youth, people living with Human Immunodeficiency Virus (HIV), women, people with sexual orientation gender identity and expressions (SOGIE), different religious beliefs and affiliation and the indigenous people, among others;

WHEREAS, the Municipality of Panglima Sugala is inhabited with multi-cultured people: Christians, Muslims, of different tribal and ethnic attachments like Visayan, Tausug, Sama, and Sama de Laut;

WHEREAS, it is customary and a matter of local policy in Panglima Sugala that all constituents regardless of tribal and ethnic affiliations shall co-exist together as one people thereby ignoring discrimination;

WHEREAS, in view of the foregoing, there is an urgent need to curtail discrimination in all facets of life in the municipality.

NOW, THEREFORE, the Sangguniang Bayan of the Municipality of Panglima Sugala, in a regular session assembled, hereby ordains that:

SECTION 1. TITLE. This ordinance shall be known as the "Comprehensive Anti-Discrimination Ordinance of the Municipality of Panglima Sugala".

SECTION 2. DECLARATION OF POLICY. The municipality recognizes the fundamental right of every human being regardless of race, color, civil and social status, sex, sexual orientation, gender identity, gender expressions, language, religion, national or social origin, culture and ethnicity, property, birth or age, disability and health status, creed and ideological beliefs, and physical appearances to be free from any form of discrimination. It is, therefore, imperative to address and end all forms of discrimination.

In so doing, the Municipality hereby adheres to the basic principles of human rights, equality, equity and equal access to resources and to development as so declared under the 1987 Philippines Constitution, various national laws and several international laws, conventions and agreements.

SECTION 3. COVERAGE. This comprehensive ordinance shall cover all forms of discrimination against and/or on basis of race; color; civil and social status; sex, ethnicity; property, birth or age; disability and health status; religion, creed and ideological beliefs; and physical appearance.

SECTION 4. DEFINITION OF TERMS. For the purposes of this ordinance, the following terms shall be defined as follows:

- a. **Age** – refers to the person's time of existence or duration of life.
- b. **Child** – refers to a person below (18) eighteen years of age, or those over but is unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition.
- c. **Civil Status** – refers to the distinct option that describe a person's relationship with a significant other. Civil status may refer to being singles, or a person who has been declared single by annulment, married, divorced, as provided under the personal laws of the parties concerned, widowed, in a civil union, a single- parent or any form of family ties or affinity.
- d. **Color** – refers to the pigmentation of the skin, especially as an indication of someone's race.
- e. **Creed** – refers to a set of belief or aims which guide someone's actions; a system of religious belief or faith.
- f. **Disability** – refers to an individual with (1) a physical, mental or psychiatric impairment that substantially limits one or more psychological, physiological or anatomical function of an individual or activities of such individual; (2) a record of such impairment ; or (3) being regarded as having such impairment.

- g. **Discrimination** – shall mean any act or action committed to manifest prejudice, bigotry, unequal treatment, restriction, preference, humiliation and verification towards an individual or group by reason of their race; color; civil and social status; sex, gender, identity, and expressions; language; religion; national or social origin, including culture and ethnicity; property, birth or age; disability and health status; religion, creed, and ideological beliefs; and physical appearance.
- h. **Ethnicity** – refers to the characteristics of a person or group of persons sharing a common and distinctive racial, national, religious, linguistic, cultural and indigenous heritage.
- i. **Gender Expression** – refers to the way a person communicates gender identity to others through behavior, clothing, hairstyle, communication or speech pattern, or body characteristics.
- j. **Gender Identity**- refers to the personal sense of identity as characterized, among others, by manner of clothing, inclinations and behavior in relation to masculine or feminine convention. A person may have a male or female identity with the physiological characteristics of the opposite sex, in which case this person is considered transgender.
- k. **Health Status** – refers to physical, mental and psychological health of an individual, group or population as perceived by the individual or as diagnosed by a competent medical health officer. In particular, HIV-AIDS status of a person and health conditions such as but not limited to leprosy, hepatitis, tuberculosis, psychiatric patients, among others, that subject them to social stigma.
- l. **Ideological Belief** – based on or relating to a system of ideas and ideals, especially concerning economic or political theory and policy.
- m. **Indigenous Peoples** – shall refer to a group of people or homogenous societies identified by self-ascription and ascription by others, who have continuously lived as an organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed and utilized such territories, sharing common bonds of language, customs, traditions and other distinctive cultural traits, or who have through resistance to political, social and cultural inroads of colonization, non-indigenous religion and cultures became historically differentiated from the majority of Filipinos. Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) shall likewise include peoples who are regarded as indigenous on account of their descent from the populations which inhabited the country, at the time of conquest or colonization, or at the time of inroads of non-indigenous religions and cultures, or the establishment or present state boundaries, who retain some or all of their own social, economic, cultural and political institutions, but who may have been displaced from their traditional domains or who may have resettled outside their ancestral domains. In Tawi-Tawi, the National Commission on Indigenous Peoples (NCIP) had recognized the following ethnic groups as IPs, to wit: Subanen; Sama Bangi-ngi; Badjao; Yakan; Tausug, and Kalibugan.
- n. **Language** – refers to the method of communication either spoken or written, consisting of the use of words in structural or conventional way.
- o. **Physical Appearance** – refers to the defining traits or features about your body. These are aspects that are visually apparent.
- p. **Property** – refers to the right to the possession, use or disposal of a thing.
- q. **Public Ridicule** – refers to the act of making fun, or contemptuous imitation, or making mockery of persons in front of two or more persons or before the public whether in words or in writing. It shall also include utterance of slanderous or abusive statements in a manner that is embarrassing and humiliating to a person or a group of persons.

- r. **Race** – refers to a fact or condition of belonging to a racial division or group; the qualities or characteristics. A group of people sharing the same culture, history, language and etc.
- s. **Religion**- refers to asset 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.
- t. **Sex**- refers to male, female or intersex. Intersex refers to people born with sex characteristics (including genitals, gonads and chromosome patterns) that do not fit typical binary notions of male or female bodies. All of which are natural bodily variations along a spectrum.
- u. **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 sexes (bisexual orientation), or toward people of the opposite sex (heterosexual orientation).
- v. **Social Status** – refers to the honor or prestige attached to one’s position in society. Ascribed statuses can also be defined as those that are fixed for an individual at birth. Ascribed statuses that exist in all societies include those based upon sex, age, race, ethnic group and family background.
- w. **Stigma** – refers to the dynamic devaluation and dehumanization of an individual in the eyes of others which may be based on attributes that are arbitrarily defined by others as discreditable or unworthy, and which result in discrimination when acted upon.

SECTION 5. PROHIBITED ACTS. – it is hereby prohibited to discriminate any person and/or group of persons on the basis of their race; color; civil and social status; sex, gender identity and expressions; language; national or social origin, including culture and ethnicity; property, birth or age; disability and health status; religion, creed and ideological beliefs; and physical appearance (collectively referred to as “ statuses”).

As such, the following acts shall be deemed discriminatory:

- a) Deny access to public programs and services on the basis or on the account of the abovementioned statuses;
- b) Refuse admission to or expel or dismiss a person from educational institutions on the basis of the foregoing statuses, without prejudice to the right of educational institutions to determine the academic qualification of students or students- applicants.
- c) Refuse or revoke the accreditation, formal recognition, and/or registration of any organization, group, institution or establishment, in educational institutions, workplaces, communities, and similar settings, solely on the basis of the foregoing.
- d) Deny a person’s access to medical and other health services as well as to health insurance and other related benefits as provided for under the law on the basis of those statuses mentioned above.
- e) Deny a person’s access to and/or the use of private and public establishment, facilities, utilities, transportation or service, including housing, that are open to the general public on the basis of foregoing statuses. There is a denial when, among others:
 - 1) A person is given inferior accommodations or services; and
 - 2) Rejection of any application, entry and participation solely on the basis of foregoing.

- f) Subject or force 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, gender identity, ethnicity and religion; provided, that such person is not psychologically incapacitated as determined by competent authority.
- g) Act as principal or agent by inciting others to commit discrimination or any action that is unlawful by means of any of the provisions of this Ordinance, or by assisting or promoting, whether through financial assistance or otherwise, the doing of such act.
- h) Publicly ridiculing a person or group of persons on the basis of the foregoing statuses.
- i) Deliver speeches or making utterance, doing acts of hatred or violence against another person, or mocking or ridiculing another person on the basis of the foregoing statuses.
- j) Failure on the part of concerned government officials, officers of private establishments, educational institution, non-government organizations, and any other private or government institutions to act, within a reasonable time, on complaints against such discrimination.
- k) By doing any other analogous act which demeans the dignity and self-respect of a person or reduces, impairs or nullifies his or her enjoyment or exercise of human rights and fundamentals freedoms on the basis of their race; color; civil and social status; sex gender identity and expressions; language; religion; national or social origin, including culture and ethnicity; property, birth or age; disability and health status; religion, creed and ideological beliefs; and physical appearance.

Section 6. PERSONS LIABLE. – Any person, natural or juridical, who commit any of the acts prohibited under this ordinance shall be held liable; provided, that, in the case of a juridical person such as, but not limited to, corporation, associations, partnership, educational and vocational institutions, whether public or private, the president, manager, head of office and other concerned officers or officials thereof shall be held liable.

SECTION 7. INFORMATION CAMPAIGN AND ANTI-DISCRIMINATION PROGRAMS – within sixty (60) days from the approval of this ordinance, the Municipal Information office shall conduct an information campaign to apprise the public of the provisions of this ordinance.

SECTION 8. PENALTY – any person found liable under this ordinance shall be punished by a fine of ONE THOUSAND PESOS (Php1,000.00), or an imprisonment of not more than SIX MONTHS , or BOTH, at the discretion of the court. In addition, the offender shall be required to undergo a mandatory anti-discrimination seminar.

SECTION 9. APPROPRIATION CLAUSE – An amount of TWENTY-FIVE THOUSAND PESOS (Php25,000.00) shall be allocated for the production of the campaign materials for both print and media.

SECTION 10. SEPARABILITY CLAUSE - if , for any reason, any section or provision of this Ordinance is declared void or unconstitutional, by any Court of competent jurisdiction, the remaining portions thereof shall not be affected, thereby shall remain in full force and effect.

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SECTION 12. REPEALING CLAUSE – all ordinance, rules and regulations, or part thereof, in conflict with or inconsistent with any provisions of this Ordinance, are hereby repealed, amended, or modified accordingly.

SECTION 13. EFFECTIVITY CLAUSE. – this ordinance shall take effect in accordance with the provisions of the Local Government Code of 1991, as amended.

ENACTED: May 29, 2023

Hon. ABDURAJIK J. SAIYARI

Hon. BENHAR J. HABE

Hon. ASAAD A. AHARUL

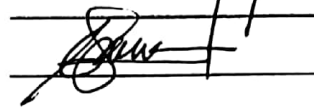
Hon. ALBIE U. SAMMANI

Hon. JERRY H. MUHAJIL


Hon. ABDULYASSER H. BAIRULLA

Hon. Hon. SAWDAJAAN U. JAJI

Hon. RAKISA I. RADJAB



CERTIFIED CORRECT:


NESTOR N. DELASAS
Secretary to the Sanggunian

**ATTESTED AND TESTIFIED
TO BE DULY ADOPTED:**


DAYANG IMAN SAHALI
Vice-Mayor/Presiding Officer

Approved:


NURBERT M. SAHALI
Municipal Mayor