



Republic of the Philippines  
Region XIII (CARAGA)  
PROVINCE OF DINAGAT ISLANDS  
San Jose



OFFICE OF THE SANGGUNIANG PANLALAWIGAN

TRANSMITTAL SHEET

DATE : February 1, 2017

FOR : HON. ANNABEL PINAT-PELISMINO  
Provincial Board member  
Dinagat Islands

FROM : OFFICE OF THE SECRETARY TO SANGGUNIANG PANLALAWIGAN

ENCLOSURE : Original copy (1 set) of ORDINANCE NO. BBE2-007 (4<sup>th</sup> SP)

Promoting and protecting the rights and dignity of lesbian, gay, bisexual, and transgender persons and providing for a comprehensive policy against discrimination of the basis of sexual orientation and gender identity and expression in the Province of Dinagat Islands.

REMARKS : For your perusal and guidance.

Thank you.



*fr*  
FE GALABIN-MAPALAD  
Administrative Officer-V R.O-III

*Segundino S. Basadre*  
SEGUNDINO S. BASADRE, LLB  
SP Secretary

*Control No. SP Sec. RO 2638-017*



Republic of the Philippines  
Region XIII (CARAGA)  
**PROVINCE OF DINAGAT ISLANDS**  
Municipality of San Jose



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**4<sup>th</sup> SANGGUNIANG PANLALAWIGAN**

Provincial Capitol, Cuarinta, San Jose, Dinagat Islands

Provincial  
**ORDINANCE NO. BBE2 - 007**  
4<sup>th</sup> SP Series (2016)

Author: *Hon. Noli B. Abis*  
Co-Authors: *Hon. Annabel Pinat Pelismino*  
and *Hon. Charlemagne D. Vargas*

**PROMOTING AND PROTECTING THE RIGHTS AND DIGNITY OF LESBIAN, GAY, BISEXUAL, AND TRANSGENDER PERSONS AND PROVIDING FOR A COMPREHENSIVE POLICY AGAINST DISCRIMINATION ON THE BASIS OF SEXUAL ORIENTATION AND GENDER IDENTITY AND EXPRESSION IN THE PROVINCE OF DINAGAT ISLANDS**

WHEREAS, Article II, Section 11 of the 1987 Constitution of the Republic of the Philippines declares that the State must value the dignity of every human person and guarantee full respect for human rights;

WHEREAS, Article II, Section 14 of the 1987 Constitution of the Republic of the Philippines mandates the State to ensure the fundamental equality of persons;

WHEREAS, Article III, Section 1 of the 1987 Constitution of the Republic of the Philippines states that no person shall be denied the equal protection of the laws;

WHEREAS, the Philippines is a state party to many international agreements, particularly the Universal Declaration of Human Rights (UDHR), the International Covenant on Economic, Social, and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and the International Convention on Civil and Political Rights (ICCPR)—which all seek to eliminate discrimination and promote human rights and dignity;

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EXCERPT FROM THE MINUTES OF THE 19<sup>th</sup> REGULAR SESSION OF THE 4<sup>TH</sup> SANGGUNIANG PANLALAWIGAN HELD AT SP SESSION HALL, CAPITOL, CUARINTA, SAN JOSE, THIS PROVINCE ON DECEMBER 20, 2016

SP MEMBERS

PRESENT:

HON. NILO P. DEMEREY, JR.  
Senior Board Member  
Temporary Presiding Officer

*District 1*

HON. RC CHARLEMAGNE C. VARGAS  
HON. WENEFREDO R. OLOFERNES  
HON. ANTONIO C. ENSOY

*District 2*

HON. REGGVI AMOR E. ALCARIA, RN, MAN  
HON. JOSLYN I. ECLEO, MPA  
HON. NOLI B. ABIS  
HON. JESSPAUL D. ECLEO

*Ex-OFFICIO:*

HON. MARILOU J. MEJOS  
Liga (Interim) President  
HON. ANNABEL PINAT-PELISMINO  
PCL President

ABSENT:

HON. BENGLÉN B. ECLEO, MAEd (Acting Gov.)  
Vice Governor/ Presiding Officer

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**WHEREAS**, all over the country, lesbian, gay, bisexual, and transgender (LGBT) persons experience acts of discrimination, bigotry, and hatred in various areas of their everyday lives—in schools and workplaces, in the delivery of basic services, and in several other domains;

**WHEREAS**, Section 468 of Republic Act No. 7160, also known as the Local Government Code states that the duty of the Sangguniang Panlalawigan, as the legislative body of Dinagat Islands, is to enact ordinances for the general welfare of the province and its people, which entails the enhancement of social justice in consonance with several provisions in the Constitution;

**WHEREAS**, several other provinces, cities, municipalities, and even barangays have already enacted ordinances that prohibit and penalize discrimination of persons on the basis of sexual orientation and gender identity and expression;

**WHEREAS**, Republic Act No. 9710, also known as the Magna Carta of Women, defines Gender and Development (GAD) as “the development perspective and process that are participatory and empowering, equitable, sustainable, free from violence, respectful of human rights, 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.” The said law also mandates the creation and strengthening of GAD Focal Points in local government units, among other instrumentalities, in order to catalyze and accelerate gender mainstreaming; and

**WHEREAS**, our quest for economic prosperity in Dinagat Islands is deeply connected to how the local government values the rights and dignity of the people, regardless of who they are, where they come from, and who they love.

**NOW, THEREFORE, BE IT ORDAINED BY THE SANGGUNIANG PANLALAWIGAN, IN REGULAR SESSION ASSEMBLED:**

**SECTION 1. Short Title.** – This ordinance shall be known as the “Dinagat Islands Anti-Discrimination Ordinance.”

**SEC. 2. Declaration of Policy.** – The Province of Dinagat Islands hereby declares a policy to work for the elimination of all forms of discrimination on the basis of sexual orientation and gender identity in accordance with the Declaration of Principles and State Policies (Article II) of the Constitution, which mandates the State to value the dignity of every human person and guarantee full respect for human rights (Section 11) and to ensure the fundamental equality of persons (Section 14); the Bill of Rights (Article III), which states that any person shall not be denied the equal protection of the laws (Section 1); as well as other existing laws.

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**SEC. 3. Definition of Terms.** – As used in this ordinance, the terms as follows:

- a. LGBT refers to a diverse and complex range of identities based on sexual orientation and gender identity and expression. The term LGBT refers to gender and sexuality non-conforming persons, including, but not limited to lesbian, gay, bisexual and transgender persons.
  - 1. Lesbian refers to a woman whose emotional romantic and sexual energies are geared towards other women;
  - 2. Gay refers to a person who is emotionally and/or physically attracted to members of the same sex. Although all encompassing, this term refers primarily to men;
  - 3. Bisexual refers to a person who is emotionally and/or physically attracted to members of both the same and the opposite sex;
  - 4. Transgender refers to a person whose state of gender identity (self-identification as woman, man, or neither) does not match her or his “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 asexual. The precise definition for transgender remains in flux, but includes:
    - i. of 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;
    - ii. people who were assigned a sex, usually at birth and based on their genitals, but who feel that this is a false or incomplete description of themselves; and
    - iii. non-identification with or non-presentation as the sex (and assumed gender) one was assigned at birth.
  
- b. Discrimination refers to any distinction, exclusion, restriction, or preference made on the basis of sexual orientation and gender identity and expression 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. For purposes of this provision, the actual sex, sexual orientation, or gender identity and expression of the person subjected to discrimination shall not be relevant for the purpose of determining whether an act of discrimination has been committed.
  
- c. Sex refers to the biological characteristics that define humans as female or male, given that these sets of biological characteristics are not mutually exclusive, as there are individuals who possess both.

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- d. Sexual Orientation refers to each person’s capacity for profound emotional, affectional, and sexual attraction to, and intimate and sexual relations with, individuals of a different gender or the same gender, or more than one gender.
- e. 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 bodily appearance or function by medical, surgical or other means) and other expressions of gender, including clothing, speech, and mannerisms.
- f. Gender Expression refers to how a person publicly presents one’s gender. This includes behavior and outward appearance such as clothing, hair, make-up, body language and voice. A person’s chosen name and pronoun are also common ways of expressing gender.
- g. 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.
- h. Employment refers to the 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 or sub-contracting arrangements, the contractor/sub-contractor shall be deemed as the employer of the contractual employee.
- i. Public Accommodation refers to a house, apartment, motel, pension house, resort lodging, inn, boarding house, hotel, dormitory, and other similar facilities which are open to the general public.
- j. Goods and Services refer but shall not be limited to establishments, individuals, and groups of individuals supplying physical goods and services, such as marketplaces, stores, restaurants, resorts, hotels, health care centers, health service providers, banks, sea ports, motorcycle terminals, and other businesses or establishments, as well as those providing clearing, repair, maintenance, construction, financial, health, transportation, and public utility services.
- k. Vilification refers to the utterance of slanderous and abusive statements done in any activity in public which incites hatred towards, serious contempt for, or serve ridicule towards any person on the basis of actual or perceived sexual orientation and/or gender identity and expression.
- l. Public Ridicule refers to an act of making fun or contemptuous imitating or making a mockery of persons whether in writing, in words, or in actions on the basis of actual or perceived sexual orientation and/or gender identity and expression.

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**SEC. 4. Prohibited Discriminatory Acts.** – The following acts committed by any person, natural or juridical, shall be deemed unlawful:

a. Discrimination in Employment and in the Workplace – It shall be unlawful for any employer to discriminate against any person or group of persons on the basis of actual or perceived sexual orientation and/or gender identity and expression in public or private employment by:

1. Including sexual orientation and/or gender identity and expression, as well as the disclosure of sexual orientation, in the criteria for hiring, promotion, transfer, designation, work assignment, re-assignment, dismissal, performance review, compensation, acceptance in trainings and career development opportunities, incentives, privileges, benefits or allowances, and other terms and conditions of employment;
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 the Province of Dinagat Islands;
3. Excluding membership in labor unions or similar organizations;
4. Subjecting any employee to workplace harassment or any threat of physical, mental, and verbal violence, intimidation, or other threatening disruptive behavior committed by the employer or by another employee; and
5. Dismissing the employee or subjecting the employee to any other detriment on the basis of actual or perceived sexual orientation and/or gender identity and expression.

b. Discrimination in Education and Educational or Training Institutions – It shall be unlawful for an educational or training institution, both public and private, along with the institution’s officers and employees, to discriminate against a student or trainee on the basis of actual or perceived sexual orientation and/or gender identity and expression by:

1. Unduly delaying, refusing, or failing to accept a person’s application or admission as a student or trainee, without prejudice to the right of educational institutions to determine the academic qualifications of their students;
2. Providing onerous or unjust terms and conditions for admission of a person as a student or trainee;
3. Denying or limiting the access of the student or trainee to any benefit provided by the educational authority;
4. Expelling or subjecting the student or trainee to any penalty or any other detriment;
5. Imposing disciplinary sanctions, penalties harsher than customary or similar punishments, requirements, restrictions, or prohibitions that infringe on the rights of the student or trainee, including discriminating against a student or trainee due to the sexual orientation and/or gender identity and expression of the parents or legal guardian of the student or trainee.

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- 6. Refusing admission, denying acceptance, or expelling or dismissing a student or trainee from organizations and associations within the educational or training institution;
  - 7. Refusing or revoking the accreditation, formal recognition, registration or plan to organize of any organization in educational or training institutions solely on the basis of the sexual orientation or gender identity of their members or of their target constituencies; and
  - 8. Subjecting any student or trainee 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 other students.
- c. 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 a person on the basis of actual or perceived sexual orientation and/or gender identity and expression by:
- 1. Refusing to provide goods or services and or imposing onerous terms and conditions to a person on the basis of actual or perceived sexual orientation and/or gender identity and expression as a prerequisite for providing such goods or services where the said terms and conditions are not imposed on another person under the same or similar circumstances;
  - 2. Denying a person’s access to public or private health services and facilities, health insurance, and other related benefits and services as provided under the law.
- d. Discrimination in Public Accommodations – It shall be unlawful for a person, natural or juridical, whether as principal or agent, to refuse or limit access of any person to accommodations being rented out or offered to the public or any benefit associated with such accommodations on the basis of actual or perceived sexual orientation and/or gender identity and expression. The act of giving inferior accommodations shall also be considered as a denial of access to or use of such facilities.
- e. Discrimination in the Issuance of Licenses, Clearances, Certifications, and Other Similar Documents – It shall be unlawful to deny an application for or to revoke a license, clearance, certification, or other similar document issued by the provincial or municipal local government units of Dinagat Islands or any national line agency to a person on the basis of actual or perceived sexual orientation and/or gender identity and expression.
- f. Discrimination through Verbal or Non-Verbal Ridicule and Vilification – Any person, natural or juridical, is hereby prohibited from ridiculing or vilifying any person on the basis of actual or perceived sexual orientation and/or gender identity and expression which may result in the loss of self-esteem or sense of safety and security of or infliction of psychological or emotional harm on the latter person through any of the following acts:

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1. Contemptuous taunting, jeering, mocking, or imitating whether in writing, in words, or in actions;
  2. Expression of slanderous and abusive statements whether in writing, in words, or in actions;
  3. Execution of any activity in public which incites hatred towards, serious contempt for, or severe ridicule of a person or LGBTs in general; and
  4. Doing any other analogous acts of ridicule in any time and place which may intimidate or result in the loss of self-esteem or sense of safety and security of or infliction of psychological or emotional harm on the person.
- g. Discrimination through Harassment, Unjust Detention, and Involuntary Confinement – It shall be unlawful to commit harassment, unjust detention, and involuntary confinement of a person on the basis of actual or perceived sexual orientation and/or gender identity and expression.
- h. Discrimination through the Disallowance from Entry and Refusal of Service – It shall be unlawful for any person, natural or juridical, whether as principal or agent, to disallow entry or refuse service to any person on the basis of actual or perceived sexual orientation and/or gender identity and expression by:
1. Disallowing or preventing a person or group of persons from entering any establishment such as restaurants, bars, stores, canteens, resorts, and other commercial establishments which are open to the general public;
  2. Refusing to attend to or serve any orders for food, drinks, and other goods in restaurants, bars, stores, canteens, resorts, and other commercial establishments which are open to the general public; and
  3. Refusing to serve persons as passengers in public utility vehicles such as motorcycles, multicabs, ferries, watercrafts, and the like, which are utilized by the general public.
- i. Promotion of Discrimination against LGBTs – It shall be unlawful to organize groups and activities which promote and incite discrimination, hatred, and bigotry against persons based on actual or perceived sexual orientation and/or gender identity and expression.
- j. Any Other Analogous Discriminatory Acts – It shall be unlawful to commit any act of discrimination or harassment on the basis of actual or perceived sexual orientation and/or gender identity and expression which demeans the dignity and self-respect of a person or impairs, 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, and educational spheres.

**SEC 5. Affirmative Acts.** – To ensure that the rights and dignity of LGBT persons in the Province of Dinagat Islands are promoted and protected, the following plans and programs shall be adopted in employment, education, delivery goods and services, accommodation, and other areas:

- a. General Affirmative Acts

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1. Public posting of the Anti-Discrimination Ordinance – A copy of the ordinance shall be posted in conspicuous places frequented by people. These places include public offices, private businesses and establishments, educational and training institutions, public accommodations, sea ports, and other public places.
2. Anti-Discrimination Modules – The Gender and Development Office of the Province of Dinagat Islands shall prepare and disseminate modules on the elimination of all forms of discrimination on the basis of sexual orientation and gender identity and expression to public and private offices, educational and training institutions, public accommodations, and other public places. These modules shall include definitions and concepts, as well as examples of discrimination and recommendations on the proper actions to prevent such acts. The primary language to be used in modules shall be in the vernacular, as far as practicable. A version in English shall be given to visitors and tourists entering the province through sea ports.
3. Gender Inclusive Lavatories – All government and private offices, commercial and industrial establishments, educational and training institutions, sea ports, and other public places with toilet rooms and lavatories shall be inclusive of persons regardless of sexual orientation and gender identity and expression. Lavatories shall be labelled as “M+” for such existing rooms originally designated for biological males and “F+” for such existing rooms originally designated for biological females. Both labels shall have a clear description below that states: “This restroom is trans-inclusive.” Places with only one lavatory for both biological males and females shall be labelled “All-Gender Restroom.”

b. Affirmative Acts in Employment

1. Wage and Benefits for LGBT Persons – Every employer in the Province of Dinagat Islands 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 employees the benefits afforded under existing laws, such as maternity/paternity leaves, sick and vacation leaves, retirement and benefits provided under existing laws.
2. Gender Sensitivity Education and Training Seminars in Private Offices or Businesses – All private offices and businesses shall be encouraged to conduct gender sensitivity education and training seminars for all employees. Attendance of employees in such seminars that are held during their hours of work shall be considered as part of their official business and shall not be considered as an absence or shall not be used as a basis to deduct any amount from their salaries. Employers may also count attendance of employees in such seminars as relevant training necessary for promotions and other similar workplace movement. Anti-discrimination modules produced by the provincial government shall be provided to participants.

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3. Gender Sensitivity Education and Training Seminars in Government Offices – Provincial and municipal government offices shall be required to conduct gender sensitivity education and training seminars for all employees. Attendance of employees in such seminars that are held during their hours of work shall be considered as part of their official business and shall not be considered as an absence or shall not be used as a basis to deduct any amount from their salaries. Attendance of employees in such seminars shall be considered as a part of relevant training necessary for promotions and other similar workplace movement. Anti-discrimination modules produced by the provincial government shall be provided to participants. Certificates of attendance and participation shall be issued by provincial and municipal offices to employees who take part in such seminars.

c. Affirmative Acts in Education

1. Equal Access to Education Opportunities – The provincial government of Dinagat Islands shall guarantee equal access to opportunities for LGBT persons in various trainings, scholarships, and other similar rights and privileges.

2. Elimination of Gender Stereotyping – All educational and training institutions within the province of Dinagat Islands, whether public or private, shall promote the elimination of sex-role stereotyping and gender discriminatory role modelling for students in academic and extra-curricular activities. The respective administrations of educational and training institutions shall review all educational documents, manuscripts, and books used as materials of instruction and ensure that these do not contain sex-role stereotyping and gender discriminatory role modelling. Materials found to contain sex-role stereotyping and gender discriminatory role modelling shall be reported to the Department of Education (DepEd) Division Office for proper action.

d. Affirmative Acts in the Delivery of Goods and Services – Establishments supplying goods and services shall ensure that these are delivered to persons in a non-discriminatory manner in accordance with the standards provided under applicable laws and with respect to the proper honorifics in accordance to gender identity and expression.

e. Affirmative Acts in Health Care Services – In order to ensure that health care services shall be provided in a non-discriminatory manner, the provincial government of Dinagat Islands, through the Provincial Health Office, shall:

1. Extend quality health care services and information on reproductive health without regard to one’s marital status, age, religious affiliations, sexual orientation, gender identity and expression, personal circumstances, and nature of work;

2. Monitor and ensure that provisions for gender-sensitive, gender-responsive, and accessible health services for LGBT are available both at the hospitals within the province and in municipal and barangay health centers;

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3. Develop modules for gender-sensitive and gender-responsive health care services and reproductive health education that includes information about sexually transmitted diseases (STD), sexually transmitted infections (STI), and the Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (HIV/AIDS), which shall be integrated in seminars, orientations, and education activities;
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 sexual orientation and gender identity and expression, in order to provide comprehensive, responsive, and accessible health services;
5. Build the capacities of barangay health workers and school-based and community-based health personnel in delivering gender-sensitive and gender-responsive health services to the community in coordination with barangay, non-government, and people's organizations;
6. Oversee the implementation of the reproductive health programs in accordance with Republic Act No. 10354, also known as the Responsible Parenthood and Reproductive Health Act of 2012; and
7. Initiate dedicated measures for LGBT workers to access without discrimination on STD/STI check-ups and treatments, including but not limited to life-saving HIV management, prevention, care and support services.

**SEC 6. Creation and Composition of the Dinagat Islands Anti-Discrimination Council.**

– The Dinagat Islands Anti-Discrimination Council (DIADC) is hereby created. It shall be composed of the following:

- a. Chairperson: Provincial Governor
- b. Co-Chairpersons:
  1. Provincial Vice Governor
  2. Representative of the Lone District of Dinagat Islands in the House of Representatives
- c. Vice Chairpersons:
  1. Chairperson of the Committee on Human Rights of the Sangguniang Panlalawigan
  2. Chairperson of the Committee on Gender and Development of the Sangguniang Panlalawigan
- d. Secretariat: Provincial Social Welfare and Development Officer
- e. Members:
  1. Provincial Legal Officer
  2. Provincial Human Resource and Development Officer
  3. Provincial Health Officer
  4. Provincial Information Officer
  5. Representative of the Dinagat Islands Chapter of the Philippine Councilors League (PCL)
  6. Representative of the Department of Labor and Employment (DOLE)
  7. Representative of the Department of Education (DepEd) Division Office
  8. Representative of the Department of the Interior and Local Government (DILG)
  9. Representative of the Provincial Police Office

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10. At least five (5) Representatives from civil society, non-government, and people’s organizations with advocacies focusing on gender equality and LGBT rights.

**SEC 7. Duties and Functions of the Dinagat Islands Anti-Discrimination Council.** – The DIADC shall have the following duties and functions:

- a. Monitor complaints concerning violations of any provision of this ordinance;
- b. Maintain discrimination case documentation, case monitoring system, and a databank to easily access various cases and experiences of stigma and discrimination;
- c. Facilitate the assistance for victims of stigma and discrimination to ensure that they have legal representation, counseling, and psychological assistance;
- d. 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;
- e. Recommend to the Sangguniang Panlalawigan policies that seek to eliminate discrimination on the basis of sexual orientation and/or gender identity and expression other than this ordinance; and
- f. Spearhead activities that promote equality and celebrate diversity in the Dinagat Islands LGBT Equality Day, pursuant to Section 10 of this ordinance.

**SEC. 8. Meetings and Quorum of the DIADC.** – With the presence of the majority of the members of the DIADC, meetings shall be held regularly once in every quarter at the date, time, and venue as agreed upon by its members. The venue shall be within the province to minimize costs.

**SEC. 9. The DIADC Secretariat.** - Pursuant to Section 6(d) of this ordinance, the Provincial Social Welfare and Development Office shall be the Secretariat of the DIADC whose duties and functions, among others are as follows:

- a. Document all acts of the DIADC and ensure that such documentation will be readily available for the general public in printed form and in online materials through the provincial government website and social media accounts, which shall be done with the assistance of the Provincial Information Office and other personnel or offices concerned;
- b. Develop a system to document and report cases of discrimination and violence against actual or perceived LGBT persons, and provide assistance to the victims thereof;
- c. Ensure awareness of everyone, including barangay officials, tanods, and other barangay workers, including volunteers, by initiating training seminars to enable them to effectively respond to the plight of victims of gender discrimination and violence against LGBT persons; and
- d. Assist the victims in filing the appropriate complaints with the Provincial Police Office or other law enforcement agencies;
- e. Ensure that the pertinent documents are forwarded to the Provincial Police Office or to the court, as the case may be.

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**SEC. 10. Role of the Representative from the Dinagat Islands Chapter of the Philippine Councilors League (PCL) in the DIADC.** – The Representative of the Dinagat Islands Chapter of the PCL shall ensure that the efforts of the DIADC are disseminated to the level of the municipalities. She or he shall also coordinate with each Sangguniang Bayan of the seven (7) municipalities of the Province of Dinagat Islands to encourage their members to file and approve similar ordinances and other measures, which ultimately seek to further enhance the campaign to uplift the rights and dignity of LGBT persons in their respective areas of jurisdiction. She or he shall also report such initiatives of municipal legislative bodies in the meetings of the DIADC.

**SEC. 11. Dinagat Islands LGBT Equality Day.** – By virtue of this ordinance, the provincial government shall celebrate every first Saturday of December of each year as the Dinagat Islands LGBT Equality Day, simultaneous with the Philippine LGBT Pride celebration and close to the dates of the World AIDS Day (December 1) and the Human Rights Day (December 10), which should also be commemorated in the province.

The Dinagat Islands LGBT Equality Day shall have various activities spearheaded by the DIADC. Such activities shall promote equality and celebrate diversity in Dinagat Islands, in consonance with the principles and provisions of this ordinance. An LGBT Pride march or motorcade may also be held. All persons in Dinagat Islands will be encouraged to participate.

**SEC. 12. Appropriation.** – For effective implementation of this ordinance, all projects, programs, and activities for the promotion and implementation of the Anti-Discrimination Policy of Dinagat Islands shall be sourced from the five percent (5%) of the Annual Budget allocated for Gender and Development (GAD) plans, projects, and programs.

**SEC. 13. Provincial Anti-Discrimination Program.** – The provincial government shall allocate funds for the implementation of the following programs:

- a. Discrimination databank and monitoring;
- b. Anti-Discrimination campaign;
- c. Psychological counselling;
- d. Access to legal representation of victims of discrimination on the basis of sexual orientation and/or gender identity and expression;
- e. Organization of LGBT persons in the barangay level to ensure sectoral representation in the municipality and the province; and
- f. Policy review.

**SEC. 14. Independent Action for Damages.** - Nothing in this ordinance shall preclude the victim of discrimination on the basis of actual or perceived sexual orientation and/or gender identity and expression from instituting a separate and independent action for damages and other affirmative relief.

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**SEC. 15. Implementing Rules and Regulations.** – The DIADC shall, within one hundred and twenty (120) days from the effectivity of this ordinance, jointly formulate, after thorough consultation with multi-sectoral groups and stakeholders the rules and regulations implementing this ordinance. The multi-sectoral groups and stakeholders to be consulted shall be composed of experts and representatives from various sectors such as civil society, non-government, and people’s organizations with advocacies focusing on gender equality and LGBT rights.

**SEC. 16. Penalties.** – Any person, natural or juridical such as but not limited to corporations, partnerships, associations, and institutions, whether private or public, who commits any of the discriminatory acts prohibited by this ordinance shall be criminally liable and shall be penalized with imprisonment of not less than sixty (60) days but not more than one (1) year and/or a fine of not less than One Thousand Pesos (PhP 1,000.00) but not to exceeding Five Thousand Pesos (PhP 5,000.00), 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. The president, head of office, or any person in charge of the operations of juridical entities shall also be held liable of the penalty herein imposed.

In addition, the court may impose upon a person found to have committed any of the prohibited acts the rendition of community service in terms of attendance in human rights education and familiarization with and exposure to the plight of the victims of discrimination.

**SEC. 17. Inclusion of LGBT Concerns in Provincial Police Stations.** – The Women and Children’s Desks existing in all police stations of the province, are encouraged to act on and attend to complaints or cases covered by this ordinance. In this regard, police personnel handling said desks shall undergo appropriate trainings with human rights-based approach to include, among others, gender sensitivity and awareness, proper terminology, dynamics of LGBT relationships, and hate crime investigations.

**SEC. 18. Separability Clause.** – If any portion or provision of this ordinance is declared unconstitutional, the remaining portion thereof shall not be affected thereby and shall remain in full force and effect.

**SEC. 19. Repealing Clause.** – Any provincial ordinance, provision of law, rule, and regulation which are inconsistent herewith is hereby repealed or modified accordingly.

**SEC. 20. Effectivity.** – This ordinance shall take effect thirty (30) days after its publication in any newspaper of local or regional circulation and posting in the provincial capitol building and in the municipal halls and at least two (2) conspicuous places in all seven (7) municipalities of the Province of Dinagat Islands.

**ENACTED.** November 20, 2016. Provincial Capitol, Cuarinta, San Jose, Dinagat Islands.

*Esther Alon*

*Atgulis*

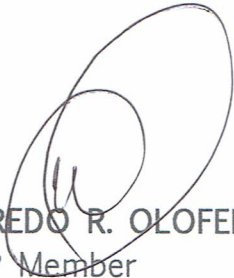
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SP MEMBERS

CONCURRING:

District I

  
RC CHARLEMAGNE C. VARGAS  
SP Member

  
WENEFREDO R. OLOFERNES  
SP Member

  
ANTONIO C. ENSOY  
SP Member

District II


  
REGGIVI AMOB E. ALCARIA, RN MAN  
SP Member


  
JOSLYN I. ECLEO, MPA  
SP Member

  
NOLI B. ABIS  
SP Member

  
JESSPAUL D. ECLEO  
SP Member

Ex-Officio

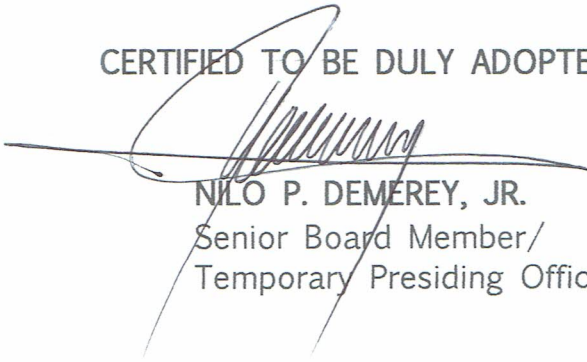
  
ANNABEL PINAT-PELISMINO  
PCL President

  
MARILOU J. MEJOS  
Interim Liga President

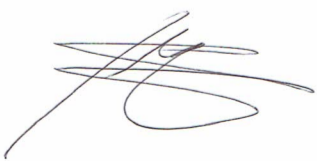
DISSENTING: N O N E  
ABSTAINING: N O N E

\*\*\*\*\*


CERTIFIED TO BE DULY ADOPTED:

  
NILO P. DEMEREY, JR.  
Senior Board Member/  
Temporary Presiding Officer






**ATTESTED:**



**ANTONIO B. ACABAL, MBA**  
Asst. Secretary to the  
Sangguniang Panlalawigan

**APPROVED:**



**BENGLÉN B. ECLEO, MAEd**  
Provincial Vice Governor/  
Acting Governor

Date Signed: 01-17-2017

*Cc.:*

- PGO
- PVGO
- PHRMDO
- PBO
- PACCO
- PTO
- PA
- BM Noli B. Abis-BM Nilo P. Demerey
- Bulletin Boards
- File (SP Sec Office)

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