



**Republika ng Pilipinas**  
**TANGGAPAN NG SANGGUNIANG PANLUNGSOD**  
*Lungsod ng Butuan*

*13<sup>th</sup> Sangguniang Panlungsod*  
*24<sup>th</sup> Regular Session*  
*Series of 2016*

**AN ORDINANCE ADOPTED BY THE HONORABLE SANGGUNIANG  
PANLUNGSOD OF THE CITY OF BUTUAN IN ITS REGULAR  
SESSION HELD AT THE SP SESSION HALL ON  
JUNE 13, 2016**

**PRESENT:**

<i>Honorable Angelo S. Calo</i>	<i>- City Vice Mayor Presiding Officer</i>
<i>Honorable Samuel Allan M. Amante</i>	<i>- Member</i>
<i>Honorable Ryan Anthony B. Culima</i>	<i>- Member</i>
<i>Honorable Sergio C. Pascual</i>	<i>- Member</i>
<i>Honorable Virgilio G. Nery, Jr.</i>	<i>- Member</i>
<i>Honorable Jaime M. Cembrano, Jr.</i>	<i>- Member Temporary Presiding Officer</i>
<i>Honorable Nestor D. Amora</i>	<i>- Member, President Liga ng Mga Punong Barangay</i>

**ON OFFICIAL BUSINESS:**

<i>Honorable Ferdinand E. Nalcot</i>	<i>- Member</i>
<i>Honorable Erwin L. Dano</i>	<i>- Member</i>
<i>Honorable Rema E. Burdeos</i>	<i>- Member</i>
<i>Honorable Derrick A. Plaza</i>	<i>- Member</i>

**ABSENT:**

<i>Honorable Ramon P. Carampatana</i>	<i>- Member (On Sick Leave)</i>
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*The meeting was called to order at exactly  
10:15 in the morning.*



**SP ORDINANCE NO. 4998-2016**

**AN ORDINANCE PROHIBITING DISCRIMINATION IN  
THE CITY OF BUTUAN ON THE BASIS OF AGE,  
DISABILITY, ETHNICITY, GENDER AND EXPRESSION,  
GENDER IDENTITY, HEALTH STATUS, PHYSICAL  
APPEARANCE, POLITICAL AFFILIATION, RELIGION,  
SEXUAL ORIENTATION, SOCIAL AND MARITAL  
STATUS, PROVIDING PENALTIES FOR ITS  
COMMISSION, APPROPRIATING FUNDS FOR ITS  
IMPLEMENTATION AND FOR OTHER PURPOSES**

**Be it ordained by the Honorable Sangguniang Panlungsod of Butuan City in session assembled and by authority of the same that:**

**SECTION 1. TITLE.** This Ordinance shall be known as the "BUTUAN CITY ANTI-DISCRIMINATION ORDINANCE."

**SECTION 2. AUTHORITY.** This Ordinance shall be construed and interpreted to be consistent and in harmony with, and in support to existing related laws, such as Republic Acts, executive or administrative orders, and other issuance of National Government, as well as related local ordinances and other issuances. Related matters that may not be covered in the said Ordinance shall be suppletorily provided by the aforesaid laws.

**SECTION 3. DECLARATION OF POLICY.** It is hereby declared as a policy of the City of Butuan to value the dignity of every human person and guarantee full respect of human rights to promote equality and to effectively eliminate all forms of discrimination that violate and offend the guarantee of equal protection of Human Rights as enshrined in the Philippine Constitution and other existing national and local laws, as well as embodied in the laws/charters/agreements of various international conventions and coalitions of which the country forms part and is a signatory.

**SECTION 4. DEFINITION OF TERMS.** For 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. This is in reference to ageism where one is discriminated on the basis of age;
- b. **DISABILITY** - refers to an individual with: 1) a physical or mental impairment that substantially limits one or more psychological, physiological or anatomical functions of an individual or activities of such individual; 2) a record of such impairment; or 3) being regarded as having such impairment;
- c. **DISCRIMINATION** - refers to any act committed to manifest prejudice, bigotry, unequal treatment, exclusion, restriction, preference, humiliation and vilification towards any individual and/or group by reason of their age, disability, ethnicity, gender expression, gender identity, health status, physical appearance, political affiliation, religion, sexual orientation, and/or social status, and which it has the purpose or effect of nullifying or impairing the recognition of, enjoyment of, or exercise by all persons of an equal footing of all rights and freedom;
- d. **ETHNICITY**- refers to the characteristics of a person or group of persons sharing a common and distinctive racial, national, religious, lingual, cultural and/or indigenous heritage;
- e. **GENDER EXPRESSION** - refers to the external manifestation of one's gender identity, usually expressed through "masculine," "feminine" or gender-variant behavior, as apparent in clothing, haircut, voice or body characteristics;

- f. **GENDER IDENTITY** - refers to the personal sense of identity as characterized, among others, by manners of clothing, inclinations, and behavior in relation to masculine or feminine conventions. A person may have a male or female identity with the physiological characteristics of the opposite sex, as in the case of transsexual and transvestites. For transgender people, their birth-assigned sex and their own internal sense of gender identity do not match;
- g. **HEALTH STATUS** - refers to both physical and mental health of an individual, group or population as perceived by the individual or as diagnosed by a competent medical health officer. This is in reference to having or being diagnosed with HIV-AIDS, leprosy, hepatitis, tuberculosis, and other diseases that subject them to social stigma. This also includes the health status of single women who are pregnant;
- h. **PHYSICAL APPEARANCE** - refers to the perceived outward look or attributes of a person which include hair color, eye color, height, weight, and skin color contributed by factors like genetics, age, ethnic background, and body type;
- i. **POLITICAL AFFILIATION** - refers to an association or membership in any political party or group;
- j. **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 devotions and often containing a moral code governing the conduct of human affairs;
- k. **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 the opposite sex (heterosexual orientation);
- l. **SOCIAL STATUS** - refers to the relative rank that an individual holds, with attendant rights, duties, lifestyle, in a social hierarchy based primarily on education, occupation, honor, popularity, and achievements;
- m. **SP ORDINANCE NO. 4728-2015** - Ordinance on Mainstreaming Human Rights

**SECTION 5. PROHIBITED ACTS.** *It is prohibited for any person, group, group of persons, or entity to commit any act of discrimination against any person or group of person on account of age, disability, ethnicity, gender expression, gender identity, health status, physical appearance, political affiliation, religion, sexual orientation, and social status, such as but not limited to the following:*

- a. Denial of goods and services available to the general public such as but not limited to private and public insurance, housing, public information, transport and other forms of accommodation, medical and other health services;

- b. Refusal of employment, promotion, or dismissal from work, for reason not material to the nature of the work required;
- c. Denying or limiting access of An employee to the same terms and conditions of work including compensation, opportunities for training, transfer or promotion, or *to other benefits connected with employment, as are made available for other employees having the same qualifications, employed under the same circumstances, or engaged in the same kind or type of work, or by imposing on the employee onerous terms and conditions;*
- d. *Refusal of admission to or expulsion or dismissal from educational institution, without prejudice to the right of educational institutions to determine the academic qualifications of their students and the constitutional provisions in academic freedom;*
- e. *Refusal or revocation of the accreditation, formal recognition and/or registration of any organization, group, institution or establishment in educational institutions, workplaces, communities, and similar settings;*
- f. Denial of a person's access to and/or the use private and public establishment, facilities, utilities, transportation or other types of services, including housing service that is open to the general public, notwithstanding the existence of the person's capacity to comply or actual compliance with the requirements brought forth in order to access or enter such establishment. Denial may also transpire when a person is accorded the services herein mentioned of less value than what is generally provided, notwithstanding the availability of standard services, and without prejudice to reservations and other reasonable policies of the establishment;
- g. Rejection of any application for license, clearance or any other documents issued by government authorities, without due cause;
- h. Posting pictures, videos, articles, statements or comments on the internet through social networking and other types of websites to demean, debase, or humiliate a person or group of persons, subject to the applicable laws, rules and regulations;
- i. Publication and/or use of derogatory and humiliating statements, remarks, comments, articles, and pictures in print and broadcast media against a person or group of persons, subject to the applicable laws, rules and regulations;
- j. Other analogous acts with the deliberate intention to discriminate any person and/or group of persons, subject to the applicable laws, rules and regulations; and
- k. Obstruction or intervention in the exercise of political rights, including but not limited to, the right to vote in a national or local election, both regular or special.

**SECTION 6. ROLES OF THE BUTUAN CITY HUMAN RIGHTS ACTION CENTER (BC-HRAC) AND CITY HUMAN RIGHTS ACTION TEAM (CHRAC-T).**

The Butuan City Human Rights Action Center and the City Human Rights Action Team as provided under SP Ordinance No. 4728-2015, shall be responsible for the full implementation and observance of the provisions of this Ordinance.

The Butuan City Human Rights Action Center (BC-HRAC), under the City Legal Office, in addition to the functions stated under SP Ordinance No. 4728-2015, is tasked to execute the following functions:

1. Receive complaints through the Secretariat concerning violations of any provision of this Ordinance and related policies;
2. Refer the complaints to the proper agencies concerned as may be called for the nature thereof or the lack of reconciliation by the parties involved, such as the Office of the City Social Welfare and Development Officer, the Butuan City Police Office or its Human Rights Affairs Office and Women and Children Protection Desk, or the Commission on Human Rights,
3. Conduct monitoring programs on incidents of discrimination in their respective jurisdictions;
4. Conduct consultative meetings with the vulnerable sectors of the community regarding discrimination;
5. Design and implement programs that help prevent and effectively address discrimination;
6. Conduct advocacy programs and Capacity Building Programs thru effective Information and Education Campaigns (IECs) to prevent incidents of discrimination in their respective localities.

**SECTION 7. ROLES OF THE BARANGAY HUMAN RIGHTS ACTION CENTER (BHRAC) AND BARANGAY HUMAN RIGHTS ACTION TEAM (BHRAC-T).**

Barangay Human Rights Action Center and Barangay Human Rights Action Team as provided under Section 6 of Ordinance No. 4728-2015.

The Barangay Human Rights Action Team is tasked to execute the following functions, in addition to the functions stated under SP Ordinance No. 4728-2015:

1. Receive complaints and refer to the appropriate agencies and Barangay concerning violations of any provision of this Ordinance and related policies;
2. Notify the parties concerned of the complaint as may be called of the nature thereof;

3. Mediate for and conciliate parties in conflict to the end that judicial, quasi-judicial, prosecutorial and administrative actions are avoided. The procedure of the Katarungan Pambarangay under the Local Government Code of 1991 shall be observed;
4. Submit quarterly report of cases of anti-discrimination to the Butuan City Human Rights Action Center;
5. Implement programs that shall ensure that discrimination is prevented and effectively addressed; and
6. Conduct advocacy programs thru effective information and educational campaigns to prevent incidents of discrimination in their respective localities.

**SECTION 8. ANTI-DISCRIMINATION PROGRAMS.** The City Government of Butuan, through the Butuan City Human Rights Action Team, shall endeavor to ensure that discrimination in the city is effectively addressed through the following anti-discrimination programs:

**a) Discrimination and Stigma Reduction Programs**

1. Capacity Building and Education Campaigns.
  - Conduct of a comprehensive consciousness and awareness-raising campaign to develop knowledge and harness skills and values formation on respect for human rights and human dignity in private and public institutions, establishments, organizations and communities.
2. Discrimination and Stigma Studies and Databank
  - Documentation, research and setting up a databank of different cases and experiences of stigma and discrimination.
3. *Discrimination and Stigma Monitoring*
  - This refers to monitoring of discriminating articles, songs, videos, books, and other materials published in print media and internet, and broadcasted through television and radio, and filing the appropriate charges.

**b) Access to Scholarships, Skills, Employment and Livelihood Opportunities**

The City Government shall ensure that all persons shall have equal access to scholarship, skills training, and employment, livelihood and microfinance opportunities;

**c) Access to Health Services and Programs**

The City Government shall ensure that all persons shall have equal access to

**d) Access to Legal Representation**

The City Government shall facilitate the referral of victims of stigma and discrimination to proper government agencies for legal representation.

**e) Policy review**

The City Government, through the Sangguniang Panlungsod, shall ensure that all policies, resolutions, ordinances, codes, and related documents are free from discriminatory statements and provisions and undertake amendments of those provisions that shall be deemed discriminatory to effectively eliminate discrimination, stigma and stereo types.

**SECTION 9. IMPLEMENTING MECHANISM.**

1. The Butuan City Human Rights Action Center and the City Human Rights Action Team shall be primarily responsible for the implementation of this Ordinance. It shall coordinate with the appropriate City Government Offices and other government agencies to execute its mandated duties as herein provided and implement the programs provided for under Section 9 hereof;
2. Complaints shall first be lodged at Barangay Human Rights Action Team which shall refer to exhaust all available means to prosecutorial and administrative actions are avoided. The provisions of the Katarungang Pambarangay of the Local Government Code shall be applied;
3. Work-related discrimination 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 of Persons with Disability, Magna Carta of Senior Citizens, Child and Youth Welfare Code, Magna Carta of Women, Magna Carta for Public School Teachers, and Indigenous People Rights Act, among others.

**SECTION 10. PENALTIES.** Any person, natural or juridical, including any government or private corporation, institution or company, that commits discrimination as stipulated in this Ordinance and in other relevant national and local policies shall be likewise be held liable under this Ordinance.

Any person who requests, instructs, induces, encourages, authorizes or assists another to commit acts of discrimination shall be likewise be held liable under this Ordinance.

Any person or entity that violates the provision of this Ordinance shall be penalized in the following manner:

1. **First Offense** - a fine of One Thousand Pesos (PhP1,000.00) or an imprisonment of one (1) day to thirty (30) days or both such fine, at the discretion of the court.
2. **Second Offense** - a fine of Three Thousand Pesos

3. **Offenses committed a third time or more** - a fine of Five Thousand Pesos (PhP5, 000.00) or an imprisonment of six (6) months and one (1) day to one (1) year, or both such fine, at the discretion of the court.

For judicial powers, the penalty of imprisonment shall be imposed against the Officer, direction/trustees who committed to such discriminatory acts.

**SECTION 11. INFORMATION CAMPAIGN.** Within six (6) months from the effectivity of this Ordinance, the Butuan City Human Rights Action Team and Barangay Human Rights Action Center shall have been organized. With the help of the City Public Information Office and the respective barangay councils, they shall respectively conduct information and education campaigns to inform the public on the provisions of this Ordinance.

**SECTION 12. APPROPRIATION OF FUNDS.** For the Calendar year 2016, an appropriation of Two Hundred and Fifty Thousand Pesos (PhP250, 000.00) or so much thereof, shall be placed under the Butuan City Human Rights Action Center through the City Legal Office for the operations relative to the implementation of this Ordinance. The said Office shall make a budgetary program to ensure the proper utilization thereof.

For every year thereafter, the same amount shall be required minimum annual appropriations, subject to increase per justification proposed by the Butuan City Human Rights Action Team.

The Barangay Councils shall appropriate a budget for the enforcement of this Ordinance, as proposed by their respective Barangay Human Rights Action Team.

**SECTION 13. REPEALING CLAUSE.** Any ordinance or provision thereof that is contrary or inconsistent with this Ordinance or any of its provisions is hereby repealed, modified, or amended accordingly.

**SECTION 14. SEPARABILITY CLAUSE.** If any provision of this Ordinance is deemed invalid or unconstitutional, all the other provisions which are not affected thereby shall remain valid and enforceable.

**SECTION 15. EFFECTIVITY.** This Ordinance shall take effect ten (10) days from the date a copy thereof is posted in a bulletin board at the entrance of the City Hall and in at least two (2) other conspicuous places in the City, among other requirements stipulated in Section 59 of RA 7160 or the Local Government Code of 1991, and Section 511 thereof, especially for the posting and publication of ordinances with penal sanctions for a minimum period of three consecutive weeks.

**LET COPIES** of this Ordinance be furnished the Offices of the City Mayor, the City Administrator, the City Legal Officer, and the City Social Welfare and Development Officer, the City Public Information Office, and the Office of the Liga ng Mga Barangay, Department of Education, Department of Social Welfare and Development (DSWD), Commission on Human Rights (CHR), Indigenous Peoples (IPs), National Commission on Indigenous Peoples- Caraga Region (NCIP-Caraga Region), Philippine National Police-Butuan City Police Office (PNP-BCPO), for their information and guidance.



Date Enacted: June 13, 2016

APPROVED:

  
ANGELO S. CALO.  
City Vice Mayor  
Presiding Officer

ATTESTED:

  
AURORA B. CABALLES  
City Government Department Head II  
City Secretary

SUBMITTED FOR APPROVAL:

  
FERDINAND M. AMANTE, JR.  
City Mayor

DATE APPROVED: June 30, 2016

Authors : Hon. Rema E. Burdeos  
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: Hon. Ferdinand E. Nalcot  
: Hon. Erwin L. Dano  
: Hon. Sergio C. Pascual  
: Hon. Virgilio G. Nery, Jr.  
: Hon. Derrick A. Plaza  
: Hon. Jaime M. Cembrano, Jr.  
: Hon. Nestor D. Amora  
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