



**cagayan  
de Oro**  
city of golden friendship

Republic of the Philippines  
CITY OF CAGAYAN DE ORO  
**OFFICE OF THE CITY COUNCIL**

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**ORDINANCE NO. 13941-2020**

**AN ORDINANCE PROMOTING DIVERSITY AND EQUALITY THRU AFFIRMATIVE ACTION AND PROHIBITING DISCRIMINATION, RIDICULE, VILIFICATION, AND HARASSMENT OF PERSONS IN THE CITY OF CAGAYAN DE ORO ON THE BASIS OF THEIR AGE, RACIAL OR ETHNIC ORIGIN, RELIGIOUS BELIEF OR ACTIVITY, POLITICAL INCLINATION OR CONVICTION, SOCIAL CLASS, SEX, GENDER, SEXUAL ORIENTATION, GENDER IDENTITY AND EXPRESSION, MARITAL OR RELATIONSHIP STATUS, DISABILITY, HEALTH STATUS OR MEDICAL HISTORY, LANGUAGE, PHYSICAL FEATURES, AND OTHER STATUS, AND PROVIDING PENALTIES THEREFOR, AND FOR OTHER PURPOSES**

*Whereas*, Section 11, Article II of the 1987 Constitution states that the State values the dignity of every human person and guarantees the full respect for human rights;

*Whereas*, Section 1(a), Article XIII of the 1987 Philippine Constitution states that 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 shall be given highest priority;

*Whereas*, Section 1, Article III of the 1987 Philippine Constitution guarantees that no person shall be deprived of life, liberty, and property without due process of law, nor shall any person be denied the equal protection of the laws;

*Whereas*, the Philippines is a state party to several international declarations and agreements such as the Universal Declaration of Human Rights (UDHR), International Convention on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Convention on the Elimination of All Forms of Racial Discrimination (CERD), Convention on the Rights of Persons with Disabilities (CRPD), the Convention against Discrimination in Education, the Convention (No. 111) Concerning Discrimination in Respect of Employment and Occupation, and the United Nations Declaration on the Rights of Indigenous Peoples, which all embody the general principle against discrimination, the very antithesis of fairness and justice. Through the Constitution, these principles are incorporated as part of our national laws;

*Whereas*, the Yogyakarta Principles espouse human rights principles and binding international legal standards relating to sexual orientation and gender identity ensuring among others that people are protected from all forms of discrimination and stereotypes and these principles serve as legal interpretative aid to human rights treaties;

*Whereas*, various laws were passed championing non-discrimination and affirmative action such as Republic Act 9710 (Magna Carta of Women), RA 11166 (Philippine HIV and AIDS Policy Act), RA 10911 (Anti-Age Discrimination in Employment Act), RA 8972 (Solo Parents' Welfare Act of 2000), RA 9262 (Anti-Violence Against Women and Their Children Act of 2004), Presidential Decree 966 which criminalizes all forms of racial discrimination, RA 7277 (Magna Carta for Disabled Persons), RA 7610 (Special Protection of Children against Abuse, Exploitation and Discrimination Act), RA 11291 (Magna Carta of the Poor), and RA 8371 (The Indigenous Peoples Rights Act of 1997), and RA 11313 (Safe Spaces Act), among others;



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*Whereas*, Section 8 of RA 11313, also known as the "Safe Spaces Act" provides that the local government units (LGUs) shall bear primary responsibility in enforcing the provisions of the said Act and shall pass an ordinance which shall localize the applicability of the same, including the imposition of fines on acts of gender-based sexual harassment;

*Whereas*, President Rodrigo Roa Duterte issued Executive Order 100 dated 17 December 2019, entitled: "Institutionalizing the diversity and inclusion program, creating an inter-agency committee on diversity and inclusion, and for other purposes";

*Whereas*, Section 16 of the Local Government Code of 1991 provides the Local Government Unit to exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare;

*Whereas*, in view of the policy of the State as provided in the Constitution, our international obligations, and the objective of the various laws towards non-discrimination and affirmative action, the promotion of the general welfare by the Local Government Unit within its territorial jurisdiction evidently and clearly includes the obligation and the duty to promote, protect, and fulfill human rights grounded on the recognition of the inherent dignity of every human person and on the basis of non-discrimination and equality before the law;

*Whereas*, inspired by the vision of a vibrant, equitable, progressive, inclusive, and open Cagayan de Oro City and in fulfilment of the City's obligation and duty to promote, protect, and fulfill human rights for all, it is deemed necessary that an Ordinance be enacted to define and prohibit acts of discrimination, ridicule, vilification, and harassment of persons based on protected attributes, institute a mandate for affirmative action, and establish a system of monitoring, compliance, and adjudication of complaints;

**NOW, THEREFORE:**

**BE IT ORDAINED** by the 19th City Council (*Sangguniang Panlungsod*) of Cagayan de Oro in session duly assembled, that:

## **ARTICLE I** **GENERAL PROVISIONS**

**SECTION 1. Title** — This Ordinance shall be known and cited as the "*Cagayan de Oro City Diversity and Equality Ordinance*."

**SECTION 2. Declaration of Policy**. — It is hereby declared the policy of the City of Cagayan de Oro to work actively for the elimination of all forms of discrimination that violate and offend the guarantee of equal protection enshrined in the Bill of Rights, and the State's obligations under Human Rights instruments acceded by the Republic of the Philippines.

Towards this end, discriminatory practices as defined herein shall be proscribed and penalized, and the City of Cagayan de Oro shall actively and progressively develop and implement programs, projects, and other initiatives to promote diversity and equality grounded on the recognition, protection, and promotion of the inherent dignity of every human person.



## ARTICLE II DEFINITION OF TERMS

**SECTION 3. 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 as prohibited by R.A. 10911 also known as the "Anti-Age Discrimination in Employment Act";
- b. **Discrimination** - shall mean any distinction, exclusion, restriction, or preference made, or any act or action committed to manifest prejudice, bigotry, unequal treatment, humiliation, and vilification on the basis of their age, racial or ethnic origin, religious belief or activity, political inclination or conviction, social class, sex, gender, sexual orientation, gender identity and expression, marital or relationship status, disability, health status or medical history, language, physical features, or other status, 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, religious, cultural, or any other field, especially including but not limited to, employment, livelihood, education and basic services;
- c. **Disability** - refers to an individual with (1) a physical or mental impairment that substantially limits one or more psychological, physiological, or anatomical function or activities of such individual; (2) a record of such impairment; or (3) being regarded as having such impairment;
- d. **Ethnicity** - refers to the characteristics of a person or group of persons sharing a common and distinct racial, national, religious, linguistic, cultural, and indigenous heritage;
- e. **Gender** - refers to the attitudes, feelings, and behavior that a given culture associates with a person's biological sex. Behavior that is compatible with cultural expectations is referred to as gender-normative; behaviors that are viewed as incompatible with these expectations constitute gender non-conformity;
- f. **Gender expression** - refers to the way in which a person acts to communicate gender within a given culture. A person's gender expression may or may not be consistent with socially prescribed gender roles, and may or may not reflect his or her gender identity. It also refers to all of the external characteristics and behaviors that are socially defined as either masculine or feminine, such as dress, grooming, mannerisms, speech patterns and social interactions;
- g. **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 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 dress, speech and mannerism;
- h. **Harassment** - an act of unwanted or annoying actions of one party or a group for the purpose of ridiculing, intimidating, or threatening the other which creates a hostile environment or making the one subject to the act anxious or fearful;
- i. **Health status** - refers to both physical, social and mental 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, and tuberculosis among others, that subject them to social stigma;
- j. **Linguistic Discrimination** - refers to the unfair treatment of an individual based solely on the use of language. This use of language may include the individual's native language or other characteristics of the person's speech, such as an accent, the size of vocabulary (whether the person uses complex and varied words), and syntax;
  - k. **Marital or Relationship Status** - refers to the personal status of each individual in relation to the marriage laws or customs of the country. The categories of marital status to be identified are the following: (a) single; (b) married; (c) separated (d) widowed; or (e) de facto spouse of another person. A de facto spouse of another person is defined to mean a person who cohabits or lives with another person in a relationship similar to marriage but is not legally married to that person;
  - l. **Physical Features** - refer to a person's height, size, weight or other bodily characteristics. It shall also include features that a person chooses to acquire, such as tattoos and piercings;
  - m. **Political inclination** - refers to a person's preference with regard to membership or belief in a particular political party, organization or ideology;
  - n. **Profiling** - means relying on the prohibited grounds of discrimination in subjecting a person or group of persons to investigatory activities, which include unnecessary, unjustified, illegal, and degrading searches, questioning or other investigatory activities, in determining whether an individual is engaged in an activity presumed to be unlawful, immoral, or socially unacceptable;
  - o. **Public Person** - refers to a person who, by his accomplishments, fame, or mode of living, or by adopting a profession or calling which gives the public a legitimate interest in the person's doings, affairs, and character, has become a "public personage";
  - p. **Religious Belief** - covers the profession or non-profession of religion or belief of one's choice that may be publicly or privately manifested in worship, observance, clothing, appearance, practice and teaching;
  - q. **Ridicule** - refers to a behavior that results in the public shaming or embarrassment of a person which could result in the loss of self-esteem, reputation, or employment of the latter;
  - r. **Sex** - is a human and civil status of a person acquired by birth having organ and system of reproduction;
  - s. **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;
  - t. **Social class** - refers to groupings of individuals usually based on wealth, educational attainment, occupation, income, and membership in a subculture or social network;
  - u. **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 results in discrimination when acted upon;
  - v. **Vilification** - refers to a behavior made in public that incites hatred or serious contempt of a person or group of people; and



- w. **Other status** - refers to other forms of differential treatment or grounds of discrimination which either undermines human dignity, causes or perpetuates systemic disadvantage, or adversely affects the equal enjoyment of a person's rights and freedoms in a serious manner that is comparable to the protected attributes enumerated in Section 4, Article III of this Ordinance. These grounds include, but are not limited to the following: pregnancy; or maternity/paternity status; family responsibilities; health status or medical condition; and criminal record.

### ARTICLE III PROHIBITED ACTS AND AFFIRMATIVE ACTION

**SECTION 4. Protected Attributes and Basis for Discrimination** - Discrimination that is directly or indirectly based on the following personal characteristics is prohibited, namely: age; racial or ethnic origin; religious belief or activity; political inclination or conviction; social class; sex; gender; sexual orientation; gender identity and expression; marital or relationship status; disability; health status or medical history; language; physical features; or other status. For the purpose of this Ordinance, these personal characteristics shall be collectively termed as "Protected Attributes."

**SECTION 5. Acts of Unlawful Discrimination** - Subject to Section 11 of this Ordinance, the acts of discrimination include, but are not limited, to the following:

- I. **Discrimination in Employment** - It shall be unlawful for any employer to discriminate against any person or group of persons on the basis referred to in Section 4, Article III in public or private employment by:
  - a. Denying or limiting rights to training, recruitment, promotion, remuneration and other terms and conditions of employment;
  - b. 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 Cagayan de Oro City;
  - c. Excluding membership in labor unions or similar organizations;
  - d. 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
  - e. Dismissing the employee or subjecting the employee to any other detriment without justifiable cause.
  
- II. **Discrimination in Education** - It shall be unlawful for any educational institution, both public and private, along with the institution's officers and employees, to discriminate against a person on the basis referred to in Section 4, Article III hereof by:
  - a. 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;
  - b. Providing onerous or unjust terms and conditions for admission or graduation of a person as a student;



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- c. Denying or limiting the student's access to any benefit provided by the educational authority;
  - d. Expelling or subjecting the student to any penalty or any other detriment;
  - e. Refusing admission, denying acceptance or expelling or dismissing a student from academic, socio-civic organization and associations; and
  - f. 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 by other students.
- III. **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 referred in Section 4, Article III by:
- a. Refusing to provide goods or services and/or imposing onerous terms and conditions to a person on the basis referred in Section 4, Article III 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; and
  - b. Denying a person's access to health services and facilities, health insurance, and other related benefits as provided under the law.
- IV. **Discrimination in Accommodation** - It is 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 basis referred in Section 4, Article III by:
- a. Refusing or failing to allow any person to avail of services or accommodation in an apartment, subdivision, condominium, townhouse, flat, hotel, inn, dormitory and any other places of dwelling being rented out or offered to the public or for a fee; and
  - b. Denying an application for a license, clearance, certification or any other document issued by governmental authorities or other private or juridical entities, on the basis referred in Section 4, Article III.

**SECTION 6. Verbal, Non-Verbal Ridicule and Vilification** - Without prejudice to crimes against honor, unjust vexation, and other national laws, any person, natural or juridical, is hereby prohibited from vilifying or ridiculing any person on the basis referred in Section 4, Article III which could result in the loss of self-esteem, reputation, or employment of the latter, through any of the following acts:

- a. Making fun or contemptuous imitating or making a mockery whether in writing, or in words, or in action;
- b. Uttering of slanderous and abusive statements;
- c. Executing any activity or displaying any material in public which incites hatred towards, or serious contempt for, or severe ridicule of a person unless it is made as a legitimate political expression towards public or elected persons; and
- d. Doing any other analogous act/s of ridicule in any time and place which could intimidate or result in loss of self-esteem of the person.



**SECTION 7. Harassment** – Without prejudice to existing laws, it shall be unlawful to commit harassment on the basis referred in Section 4, Article III.

**SECTION 8. Disallowance From Entry and Refusal To Serve** - 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, showing malls, and other places of entertainment and other businesses which are open to the general public; or to refuse to attend to, or serve any orders for food, drinks and other goods, consumable and non-consumable; or to subject one to discrimination or harassment in buses, taxis, ships, airplanes, on the basis referred in Section 4, Article III.

**SECTION 9. Promotion of Discrimination** - Without prejudice to existing laws, it shall be unlawful to organize groups and activities which promote and incite discrimination against persons based on the grounds referred in Section 4, Article III.

**SECTION 10. Any Other Analogous Act** - Any act of discrimination or harassment on the basis of those referred in Section 4, Article III, which demeans the dignity and self-respect of a person or impairs, harms, 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, religious, educational spheres, and other spheres.

**SECTION 11. Affirmative Acts** - To ensure that the rights of all persons regardless of the attributes referred in Section 4, Article III, are protected and respected, the following plans and programs shall be adopted in employment, education, delivery of goods and services, accommodation, and other areas, to wit:

**I. Affirmative Acts in Employment**

- a. **Wage and Benefits** – Without prejudice to the exemptions provided for under relevant laws, rules and regulations, every employer in Cagayan de Oro City shall comply with the minimum wage as stipulated by the Regional Wage Board or as stipulated by pertinent national laws and shall grant all persons regardless of those attributes mentioned in Section 4, Article III, the 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. 9262, among others;
- b. **Issuance of Annual Diversity Training Certificate** – When necessary, all private offices, commercial or industrial establishments located in Cagayan de Oro City shall encourage a Stigma-free environment by implementing an annual diversity training or orientation as well as gender-sensitivity, and gender-responsive programs for all employees, which aims to reduce and eliminate all forms of discrimination;
- c. **Internal Anti-discrimination mechanisms** - All private offices, commercial or industrial establishments located in Cagayan de Oro City shall develop and implement internal redress mechanism to address cases of discrimination and grant administrative remedies or sanctions for such cases;
- d. **Communication** – All government agencies, private offices, and commercial or industrial establishments located in Cagayan de Oro City shall ensure that their marketing and communication strategy promote and uphold the values of diversity



and equality grounded on the recognition, protection, and promotion of the inherent dignity of every human person;

- e. **Dissemination to Employees and Posting of the Ordinance** - A copy of this ordinance shall be provided to all employees upon engagement by the Hiring Officer or by the Human Resources Officer of any public or private entity where employment is sought. A copy of the ordinance shall be posted in two conspicuous places in the office where the business is located; and
- f. **Facilities and Support System** - As far as practicable, all government agencies, private offices, and commercial or industrial establishments shall designate toilet rooms and lavatories labelled as all gender CR.

## II. Affirmative Acts in Education

- a. **Equal Access to Education Opportunities** - The City Government of Cagayan de Oro shall ensure equal access to opportunities for all regardless of their personal attributes mentioned in Section 4, Article III;
- b. **Availability of Anti-Discrimination Materials** - All schools, colleges, universities and other educational and training institutions, whether public or private, located in Cagayan de Oro City, shall develop and make available resource materials on equality, diversity, human dignity, and empowerment, including laws and ordinances pertinent to the elimination of any form of discrimination; and
- c. **Elimination of Gender Stereotyping** - All schools, colleges, universities and other educational and training institutions, whether public or private, located in Cagayan de Oro City, shall promote the elimination of sex-role stereotyping and gender-discriminatory role modelling for students in academics and extra-curricular activities.

## III. Affirmative Acts in the Delivery of Goods and Services

- a. **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.

## IV. Affirmative Acts in Health Care

- a. **Health Services** -In order to ensure that health care services shall be provided in a non-discriminatory manner, the Cagayan de Oro City Government, through the City Health Office, shall:
  - i. Extend quality health care services and information on reproductive health without regard to those attributes referred in Section 4, Article III;
  - ii. Monitor and ensure that provisions for gender-sensitive, gender-responsive and accessible health services are available both at the hospitals within the City and in Barangay Health Centers;
  - iii. Develop and implement 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; and
- iv. Build the capacities of barangay health workers, schools and community-based health personnel in delivering gender-sensitive and gender-responsive health services to the community in coordination with the barangay and non-governmental organizations.

**SECTION 12. Person Liable** - Any person, natural or juridical, who commits any of the acts herein prohibited and enumerated in the immediately preceding section shall be liable therefor, and penalized accordingly; *Provided*, That in the case of a juridical person such as, but not limited to, whether public or private, the manager, head and the officers thereof shall be liable.

**SECTION 13. Exceptions** - Any action or conduct, otherwise prohibited under Section 5(I), Article III of this Ordinance shall not be unlawful and shall not be considered as discrimination if based on the following:

- a. **Good Faith Occupational Qualifications** - where any of the protected attributes are bona fide occupational qualifications reasonably necessary to the normal operation of the particular business or where the differentiation is based on reasonable factors. The employer must certify that (1) the employment qualification is reasonably related to the essential operation of the job involved; and (2) that there is factual basis for believing that all or substantially all persons meeting the qualification would be unable to properly perform the duties of the job; and
- b. **Inherent Requirement** - Where distinction, exclusion, or preference in respect of a particular job is based on inherent requirement and such is proportionate means of achieving a legitimate aim.

**SECTION 14. Exhaustion of Administrative Remedy** - Unless the Cagayan de Oro Diversity and Equality Commission or its Sub-commissions certify in writing that a complaint for violation of any of the provisions of this Ordinance has been brought before it for mediation and conciliation purposes and that the same failed despite all diligent efforts, no complaint or action of whatever kind - civil, criminal, labor or administrative - shall be deemed actionable and proper for judicial, quasi-judicial, prosecutorial or administrative adjudication, except when the subject matter involves a case which falls within the coverage of Republic Act 7610, otherwise known as "Special Protection of Children against Abuse, Exploitation and Discrimination Act", RA 11166 also known as the "Philippine HIV and AIDS Policy Act," Republic Act 10911, otherwise known as the "Anti-age Discrimination in Employment Act," Presidential Decree No. 442, As Amended, otherwise known as the "Labor Code of the Philippines," the Revised Penal Code of the Philippines such as but not limited to libel, unjust vexation, and acts covered by other national laws whose object is the penalization of discrimination, ridicule, vilification, and harassment, in which case, said national laws shall apply.

**SECTION 15. Penalties**. - Except for the violation of the national laws in the abovementioned section, the following penalties for violations of Sections 4, 5, 6, 7, 8 and 9 of Article III are hereby imposed as follows:

- a. **First offense**: The offender shall be penalized with a fine of One Thousand Pesos (P1,000.00) and undergo a mandatory Anti-Discriminatory Seminar;



- b. **Second offense:** The offender shall be penalized with a fine of Three Thousand Pesos (P3,000.00) and undergo a mandatory Anti-Discriminatory Seminar or an imprisonment of not more than three (3) months;
- c. **Third and subsequent offenses:** The offender shall be penalized with a fine of Five Thousand Pesos (P5,000.00) for each incident and undergo a mandatory Anti-Discriminatory Seminar or an imprisonment of not more than one (1) year but not less than three (3) months; and
- d. A business establishment which commits a clear and consistent pattern or practice of discrimination shall have its business permit revoked, suspended, or not renewed upon recommendation by the Cagayan de Oro Diversity and Equality Commission, after notice and hearing.

**ARTICLE IV**  
**DIVERSITY AND EQUALITY COMMISSION**

**SECTION 16. Cagayan de Oro Diversity and Equality Commission.** - (a) **Creation of the Commission** - There is hereby created the Diversity and Equality Commission, otherwise known as the Commission, composed of the following, namely:

- a. City Mayor or his/her duly authorized representative as Chairperson;
- b. City Legal Officer or his/her duly authorized representative;
- c. Representative from Inter-Faith Organization or its equivalent;
- d. Representative from the Indigenous People's Organization or its equivalent;
- e. Representative from the Private or Public Training and Educational Institutions or its equivalent;
- f. Representative from the Chamber of Commerce and industry or its equivalent;
- g. Representative from Persons with Disability Organization or its equivalent;
- h. Representative from Health-Based Advocacy Organizations that promote mental-health, the rights of people living with tuberculosis, HIV-AIDS, and other related advocacies or its equivalent; and
- i. Representative from Gender-based Advocacy Organizations that promote the rights of persons with diverse Sexual Orientation, Gender Identity and Expression or its equivalent.

(b) **Compensation and Remuneration** - The chairperson and members of the Commission shall perform their duties as such without compensation or remuneration. Members thereof who are not government officials or employees shall be entitled to necessary traveling expenses and allowances chargeable to the Gender and Development Fund subject to existing accounting and auditing rules and regulations.

(c) **Appointment** - The members of the Commission shall be appointed by the City Mayor and confirmed by the Sangguniang Panlungsod.

(d) **Term** - The representatives from civil society organizations shall have a term of four (4) years who can serve a maximum of two (2) consecutive terms. Voluntary renunciation of the position for any length of time shall not be considered as an interruption in the continuity of his or her service for the full term of which he or she was appointed. Members thereof who are



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in government service shall exercise their duties and responsibilities co-terminus with the appointing authority.

**SECTION 17. Sub-Commission to be Created by the Cagayan de Oro Diversity and Equality Commission.** - The Commission is hereby authorized to create such number of Sub-commissions as it deems necessary and proper. It shall be composed of three (3) members chosen from the members of the Commission in consonance with the nature or character of the complaint or issue to be subjected to mediation and conciliation proceedings.

**SECTION 18. General Function of the Cagayan De Oro Diversity and Equality Commission** - The Commission's functions are the following:

- a. The Commission or its Sub-commission are tasked to receive complaints concerning violation of this Ordinance;
- b. Upon receipt of the complaint, it shall make a determination embodied in a written resolution if such complaint is sufficient in form and substance and its subject matter is within its competence;
- c. Upon finding that the complaint is within its competence, it shall notify the parties concerned and mediate or conciliate the parties' differences or employ alternative modes of dispute resolution to the end that judicial, quasi-judicial, prosecutorial and administrative action is avoided;
- d. Upon failure to reconcile, it shall issue a Certificate to File Action;
- e. It shall also establish a case referral system for the proper adjudication of the complaints in more suitable forums. It shall work in close coordination with the Commission on Human Rights and other allied agencies; and
- f. Furthermore, it may issue advisory or policy recommendations periodically to guide the public in the interpretation and implementation of the provisions contained in this Ordinance. The resolution, advisory, and policy recommendation issued by the Commission shall form part of the interpretative aid of this Ordinance.

#### **ARTICLE V** **ENFORCEMENT AND IMPLEMENTATION**

**SECTION 19. Diversity and Equality Programs.** — The Cagayan de Oro City Government shall endeavor to ensure that discrimination is prevented and effectively addressed through Capacity Building, Information Campaign, Discrimination Stigma Studies and Data-banking, Discrimination and Stigma Monitoring, Policy Review, and Diversity and Equality Seminars.

**SECTION 20. Diversity and Equality Focal Person.** The City Mayor shall designate a Diversity and Equality focal person from the existing personnel of the City Social Welfare and Development Department or other allied offices who shall have the following responsibilities:

- a. Shall act as the Secretariat of the Diversity and Equality Commission;
- b. Shall develop, implement, evaluate, and monitor programs, projects, and other initiatives related to the promotion of equality and diversity in the community,



- workplace, school, and household, including anti-discrimination seminars in coordination with civil society, government agencies, youth-organizations and private business groups;
- c. Shall monitor the compliance of the Affirmative Action programs in both public institutions and private offices, commercial or industrial establishments located in Cagayan de Oro City in accordance with this Ordinance;
  - d. Shall create a system of recognition, awards, and other incentives that recognize and highlight public institutions and private offices, commercial or industrial establishments located in Cagayan de Oro City that promote diversity and equality in the workplace; and
  - e. Shall create committees, sub-committees, task-forces, and other similar bodies as may be necessary to fully implement this Ordinance.

**ARTICLE VI**  
**FINAL PROVISIONS**

**SECTION 21. *Implementing Rules and Regulations.*** — Within sixty (60) days from the approval of this Ordinance, the Diversity and Equality focal person, in coordination with other agencies or offices, shall promulgate the Implementing Rules and Regulations which shall govern the Commission Proceedings and rules of succession, substitution, discipline, and representation among the members of the Commission.

**SECTION 22. *Information Campaign*** — Within thirty (30) days from the approval of this Ordinance, the Diversity and Equality focal person in coordination with the City Information Office and such other offices or agencies, shall conduct an information campaign to apprise the public of the provisions of this ordinance and to post Information Campaign materials in conspicuous places within the city.

**SECTION 23. *Separability Clause.*** — If any portion or provision of this Ordinance is declared void or unconstitutional, the remaining portions thereof shall remain in full force and effect.

**SECTION 24. *Sunset Review.*** - Within three (3) years after the effectivity of this Ordinance, or as the need arises, the Social Services Committee of the Sangguniang Panlungsod, or its equivalent, shall conduct a sunset review. For purposes of this Ordinance, the term "sunset review" shall mean a systematic evaluation by the Committee of the accomplishments and impact of this Ordinance, as well as the performance of the Commission and the focal person, for purposes of determining remedial legislation such as eventual creation of an Office and provision for appropriation.

**SECTION 25. *Effectivity.*** — This Ordinance shall take effect fifteen after (15) days following its publication in a local newspaper of general circulation.

**unanimously APPROVED.**

AUTHOR: COUNCILOR JOYLEEN MERCEDES L. BALABA



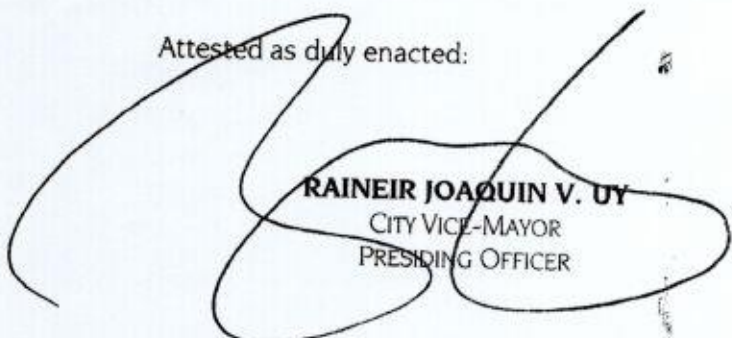
- Present:
- 1<sup>st</sup> District: - Councilor Edna M. Dahino
  - Councilor Reuben R. Daba
  - Councilor Roger G. Abaday
  - Councilor George S. Goking
  - 2<sup>nd</sup> District: - Councilor Joyleen Mercedes L. Balaba
  - Councilor Suzette G. Magtajas-Daba
  - Councilor Enrico B. Salcedo
  - Ex-Officio: - Councilor Yan Lam S. Lim
- Absent:
- Councilor Teodulfo E. Lao, Jr. (Indisposed)
- Out of the Session Hall:
- Councilor Ian Mark Q. Nacaya
- Councilor Jay R. Pascual
  - Councilor Lordan G. Suan
  - Councilor Romeo V. Calizo
  - Councilor Zaldy O. Ocon
  - Councilor Maria Lourdes S. Gaane
  - Councilor Edgar S. Cabanlas
  - Councilor Jocelyn B. Rodriguez
  - Councilor John Michael L. Seno

**ENACTED** this 10<sup>th</sup> day of August 2020 in the City of Cagayan de Oro.

I hereby certify to the correctness of the foregoing Ordinance.

  
**ARTURO S. DE SAN MIGUEL**  
CITY COUNCIL SECRETARY

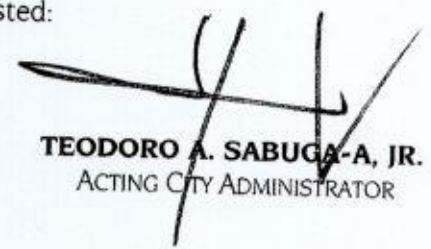
Attested as duly enacted:

  
**RAINEIR JOAQUIN V. UY**  
CITY VICE-MAYOR  
PRESIDING OFFICER

Approved:

  
**OSCAR S. MORENO**  
CITY MAYOR

Attested:

  
**TEODORO A. SABUGA-A, JR.**  
ACTING CITY ADMINISTRATOR