

REPUBLIC OF THE PHILIPPINES
PROVINCE OF ILOILO
ILOILO CITY

SANGGUNIANG PANLALAWIGAN

EXCERPTS FROM THE MINUTES OF THE 25th REGULAR SESSION OF THE 11th SANGGUNIANG PANLALAWIGAN NG ILOILO, HELD IN THE SESSION HALL OF THE NEW ILOILO PROVINCIAL CAPITOL, BONIFACIO DRIVE, ILOILO CITY ON DECEMBER 9, 2016.

PRESENT:

	Hon. Christine "Tingting" S. Garin, Presiding Officer	
Hon. Lorenz R. Defensor,		Floor Leader
Hon. Renee L. Valencia,		Member
Hon. Marcelo Valentine S. Scrag,		Member
Hon. Demetrio P. Sonza,		Member
Hon. Liecel Mondejar-Seville,		Member
Hon. Emmanuel R. Gallar,		Member
Hon. Bryant Paul Q. Biron,		Member
Hon. Domingo B. Oso, Jr.,		Member
Hon. Nielo C. Tupas,		Member
Hon. Licurgo P. Tirador,		Member (President, PCL)
Hon. Pablito G. Gemarino,		Member (Pres., Liga ng mga Brgy.)

ON LEAVE:

Hon. Jeneda Salcedo-Orendain, (Sick Leave)	Member
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RESOLUTION NO. 2016-572

RESOLUTION EMBODYING PROVINCIAL ORDINANCE NO. 2016-137, AN ORDINANCE DECLARING UNLAWFUL, ACTS AND CONDUCT OF DISCRIMINATION ON PERSONS WITH DISABILITIES (PWDs), SENIOR CITIZENS, INDIGENOUS PEOPLES (IPs), GENDER IDENTITY, SEXUAL ORIENTATION (LGBT), AND RELIGIOUS AFFILIATION OR BELIEFS AND PENALIZING THE SAME

Sponsored by: Hon. Liecel Mondejar-Seville
Co-Sponsored by: Hon. Christine "Tingting" S. Garin
Hon. Renee L. Valencia
Hon. Nielo C. Tupas

WHEREAS, Article II, Section 10 of the Constitution states, "The State shall promote social justice in all phases of national development";

WHEREAS, Article II, Section 11 of the Constitution states, "The State values the dignity of every human person and guarantees full respect for human rights";

WHEREAS, Article II, Section 22 of the Constitution states, "The State recognizes and promotes the rights of indigenous cultural communities within the framework of national development";

WHEREAS, Article III, Section 1 of the Constitution states, "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 laws";

WHEREAS, Article XIII, Section 1 of the 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, Article XIII, Section 3 thereof, which in part reads: "The State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and full equality of employment opportunities for all";

WHEREAS, the Philippines is a state party to several international agreements such as the Universal Declaration of Human Rights (UDHR), Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), Convention on the Elimination of all forms of Racial Discrimination (CERD), International Convention on Civil and Political Rights (ICCPR) and United Nations Convention on the Rights of Persons with Disabilities (UNCPRD) which instruments aim to eliminate all forms of discrimination and abuse; as well as the generally accepted principles of international law such as those but not limited to the 1981 Declaration on the Elimination of All Forms of Intolerance and Discrimination based on Religion or Belief, the 1993 UN General Assembly Resolution on Elimination of All Forms of Racial Discrimination.

NOW, THEREFORE, on motion of the Honorable Lorenz R. Defensor, Floor Leader, and upon the sponsorship of the Honorable Liecel Mondejar-Seville and co-sponsorship by the Honorable Christine “Tingting” S. Garin, Honorable Renee L. Valencia and the Honorable Nielo C. Tupas, which was unanimously seconded;

BE IT RESOLVED, as it is hereby Resolved, by the Sangguniang Panlalawigan ng Iloilo to enact the following provincial ordinance:

PROVINCIAL ORDINANCE NO. 2016 – 137

AN ORDINANCE DECLARING UNLAWFUL, ACTS AND CONDUCT OF DISCRIMINATION ON PERSONS WITH DISABILITIES (PWDs), SENIOR CITIZENS, INDIGENOUS PEOPLES (IPs), GENDER IDENTITY, SEXUAL ORIENTATION (LGBT), AND RELIGIOUS AFFILIATION OR BELIEFS AND PENALIZING THE SAME

Section I. Title – This ordinance shall be known as “Iloilo Province Anti-Discrimination Ordinance of 2016”

Section II. Declaration of Policy - It is hereby declared a policy of Iloilo Province to actively work for the elimination of all forms of discrimination and to value the dignity of every person, guarantee full respect for human rights and give the highest priority to measures that protect and enhance the right of all people.

Section III. Definition of Terms

1. **Discrimination** – any act, or conduct which withholds, excludes, restricts, curtails, demeans human dignity, or otherwise impairs the recognition, enjoyment and exercises of human rights and basic freedoms in the economic, labor, social, cultural, educational or any other field of public life;
2. **Persons with Disabilities** – are persons with impairment that may be physical, cognitive, intellectual, mental, sensory, developmental or some combination of these that results in the restrictions on an individual’s ability to participate in what is considered “normal” in their everyday society;
3. **Senior Citizens** – refers to any Filipino citizen who is a resident of the Philippines, and who is sixty years (60) old or above;
4. **Indigenous People** – are people defined in international or national legislation as having a set of specific rights based in their historical ties to a particular territory, and their cultural or historical distinctiveness from other populations that are politically dominant;
5. **Gender Identity** – refers to a person’s deeply felt internal and individual experience of gender which may or may not correspond with the sex assigned at birth;

6. **Sexual Orientation** – refers to the emotional or sexual attraction or inclination of a person towards persons of his/her own sex or to both sexes, whether he/she be a lesbian, gay, bisexual, transgender, or transsexual (LGBT);
7. **Religious Discrimination** – is valuing or treating a person or group differently because of what they do or do not adhere, specifically it is when adherents of different religions (or denominations) are treated unequally, either before the law or institutional settings such as employment or housing. This likewise includes persons who do not adhere to any religion.

Section IV. Act of Discrimination – How Committed. Discrimination is committed when a person, natural or juridical, withholds from, excludes, restricts, curtails, demeans human dignity or otherwise impairs the recognition, enjoyment and/or exercise of a right or basic freedom of another to which they are allowed to enjoy or exercise, in employment, education, shelter and delivery of basic goods and services on the basis of their disability, age, ethnic origin, gender identity, sexual orientation, and religious affiliation or beliefs.

The following constitute acts of discrimination and are therefore punishable:

1. By refusing employment to a job applicant or imposing onerous or additional terms or conditions which are not imposed on another similarly situated or circumstanced on the basis of disability, age, ethnic origin, gender identity, sexual orientation, and religious affiliation or beliefs;
2. By refusing or failing to accept any person for admission as a student in any public or private educational and or vocational institution, or by subjecting said person to terms and conditions for his acceptance in the said institution which are not imposed on applicants or students similarly circumstanced as him, or limiting the access of a student to any benefit or privilege provided by the said educational or vocational institution on the basis of disability, age, ethnic origin, gender identity, sexual orientation, and religious affiliation or beliefs;
3. By refusing to provide goods or services and/or imposing onerous terms or conditions as a requisite for providing goods or services to a person which are not refused or subjected to such onerous terms or conditions when extended to others similarly circumstanced on the basis of disability, age, ethnic origin, gender identity, sexual orientation, and religious affiliation or beliefs;
4. By refusing to allow any person, by reason of his/her disability, age, ethnic origin, gender identity, sexual orientation, and religious affiliation or beliefs to avail of quarters or accommodation in the house, apartment, condominium, townhouse, flat, hotel, inn, dormitory or any other places or dwelling being rented out or offered to the public for a fee, rental or other forms of compensation;
5. By subjecting either by action, verbal or written word or publication, to ridicule or insult or attributing despicable behavior and habits or associating with violence and criminal activities any person or group of persons by reason of their disability, age, ethnic origin, gender identity, sexual orientation, and religious affiliation or beliefs;
6. By refusing entry into restaurants, bars, stores, movie houses, malls and other places of entertainment and business which are open to the general public, or refusing or failing to attend to serve the orders for food, drinks, beverages and other goods, consumable and non-consumable, to any person by reason of his/her disability, age, ethnic origin, gender identity, sexual orientation, and religious affiliation or beliefs;

7. By doing any other analogous act which demeans the dignity and self-respect of a person or impairs, mars, reduces or nullifies the recognition, enjoyment or exercise of his human and legal rights and basic freedoms in the political, labor, economic, social, cultural, and educational spheres on the basis of his/her disability, age, ethnic origin, gender identity, sexual orientation, and religious affiliation or beliefs;
8. By promotion of discrimination. It shall be unlawful to organize groups and activities which promote and incite discrimination against persons on the basis of their disability, age, ethnic origin, gender identity, sexual orientation, and religious affiliation or beliefs;
9. By refusing or revoking accreditation or formal recognition, and/ or registration of any organization, group, institution, or establishment, in educational institutions, workplaces, communities, and similar settings solely in the basis of disability, age, ethnic origin, gender identity, sexual orientation, and religious affiliation or beliefs, provided that they have complied with all the requirements.

Section V. Persons Liable - Any person, natural or juridical, who commits any of the acts herein prohibited and enumerated in the immediately preceding section shall be criminally liable therefore, and penalized accordingly, provided that in the case of a juridical person such as, but not limited to, corporations, associations, partnerships, educational and vocational institutions, whether public or private, the manager, head and the officers thereof shall also be criminally accountable and responsible, without prejudice to other liabilities, if any.

Section VI. Penalties - Without prejudice to the acts punishable under the Labor Code of the Philippines involving the rights of women workers and employees which shall be punishable under the said code, and for violations under Republic Act 7610, otherwise known as "Special Protection of Children Against Abuse, Exploitation and Discrimination Act and other pertinent laws, the following penalties for violation of any provisions of this ordinance are hereby imposed as follows:

1. Any person liable under this Ordinance shall be punished by a fine of Two Thousand Pesos (P2,000.00);
2. A second conviction, for any acts punishable under this Ordinance shall be penalized by a fine of Three Thousand Pesos (P3,000.00) or imprisonment for a period of not more than 45 days at the discretion of the court;
3. A third conviction or any conviction after two (2) previous convictions, shall be penalized by a fine of Five Thousand Pesos (P5,000.00) or imprisonment for a minimum of three (3) months and not to exceed one (1) year at the discretion of the court.

Section VII. Appropriation - For the effective implementation of this Ordinance, the Provincial Government shall source funds from the five percent (5%) of the annual budget appropriated to finance Gender and Development (GAD) plans, projects and programs.


Section VIII. Information Campaign - 1. Within thirty days (30) from the approval of this Ordinance the provincial Information Office shall conduct an information campaign to apprise the public of the provision of this Ordinance.

Section IX. Anti-Discrimination Programs – fund shall be allocated by the Iloilo Provincial Government for the implementation of the following programs:

1. Availability of Anti-Discrimination Materials – All schools, colleges, universities and other educational, vocational and training institutions, whether public or private, Civil Society Organizations, Local Government Units located in the province of Iloilo shall develop and make available resource materials on gender rights and empowerment, including laws and ordinances pertinent to the illumination of any form of discrimination on the basis of disability, age, ethnic origin, gender identity, sexual orientation, and religious affiliation or beliefs ;
2. Discrimination databank and Monitoring;
3. Access to Legal Representation of victims of discrimination;
4. Psychological Counselling;
5. Policy review; and
6. Organization of Lesbian, Gay, Bisexual and Transgender (LGBT) persons in the barangay to ensure sectoral representation in the Local Government Bodies.

Section X. Anti-Discrimination Mediation And Conciliation Board - There is hereby created the Anti- Discrimination Mediation and Conciliation Board, composed of the following:

1. Governor or his/her duly authorized permanent representative;
2. Provincial Legal Officer or his/her duly authorized permanent representative;
3. Chairperson of the Committee on Justice, Good Government and Human Rights of the Sangguniang Panlalawigan or his/her duly authorized permanent representative;
4. Chairperson of the Committee on Labor and Employment of the Sangguniang Panlalawigan or his/her duly authorized permanent representative
5. Chairperson of the Committee on Education and Information of the Sangguniang Panlalawigan or his/her duly authorized permanent representative;
6. Division Superintendent of Provincial Schools of the Department of Education or his/her duly authorized permanent representative;
7. Head of the Commission on Higher Education Region VI or his/her duly authorized permanent representative;
8. Chairperson of the Committee on Cultural Communities and Underprivileged of the Sangguniang Panlalawigan or his/her duly authorized permanent representative;
9. Head of the Commission on Indigenous People of the Province of Iloilo or his/her duly authorized permanent representative;
10. Persons with Disabilities Affairs Officer or his/her duly authorized permanent representative;
11. Provincial Social Welfare and Development Officer or his/her duly authorized permanent representative;
12. Provincial Director of Iloilo Provincial Police Office or his/her duly authorized permanent representative;
13. President of Provincial Senior Citizens Federation Association, Inc or his/her duly authorized permanent representative;
14. Head of the Department of Labor and Employment of the Province of Iloilo or his/her duly authorized permanent representative;
15. President of the Iloilo Chamber of Commerce or his/her duly authorized permanent representative;
16. Chairperson of the Committee on Social Welfare, Housing, Senior Citizens, and Persons with Disability or his/her duly authorized permanent representative

Section XI. Main/Principal Function of the Anti- Discrimination Mediation and Conciliation Board - The Anti-Discrimination Mediation and Conciliation Board is tasked to receive complaints concerning violations of any provision of this Ordinance, notify the parties concerned of the same, and mediate or conciliate the parties' differences to the end that judicial, quasi-judicial, prosecutorial and administrative action is avoided. 

Section XII. Exhaustion of Administrative Remedy - Unless the Anti-Discrimination Mediation and Conciliation Board certifies in writing that a complaint for violation of any of the provisions of this ordinance has been brought to its jurisdiction 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, except when the matter involves the rights of workers and employees contained in the Labor Code of the Philippines, in which case the provisions of the said Code shall apply, or unless the case falls within the coverage of Republic Act 7610, otherwise known as " Special Protection of Children Against Abuse, Exploitation and Discrimination Act", particularly those involving the rights of Children of Indigenous Cultural Communities, in which case, said Republic Act shall apply.

Section XIII. Implementing Rules and Regulations - Within sixty (60) days from the approval of this Ordinance, the Provincial Legal Office (PLO), this Province in coordination with various sectoral organization which the PLO may deemed necessary, shall promulgate the Implementing Rules and Regulations which shall govern the Mediation and Conciliation Proceeding from filing of the complaint up to the issuance of the certificate mentioned in the immediately preceding section which Implementing Rules and Regulations shall be submitted to the Sangguniang Panlalawigan for approval.

Section XIV. Separability Clause - If any portion or provision of this Ordinance is declared void or unconstitutional, the remaining portion thereof shall not be affected thereby and shall remain in full force and effect.

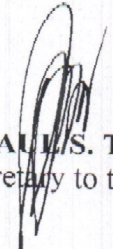
Section XV. Repealing Clause - All ordinances, resolutions and regulations or parts thereof which are inconsistent with this Ordinance are hereby repealed or modified.

Section XVI. Effectivity Clause - After it is enacted by the Sangguniang Panlalawigan and approval of the Governor, this ordinance shall take effect after its publication in a newspaper of general circulation in the province of Iloilo.

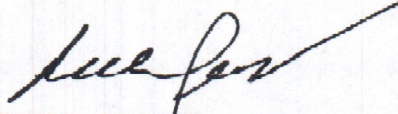
RESOLVED FURTHER, to furnish copies of this Resolution, the Governor, Hon. Arthur D. Defensor, Sr.; Provincial Legal Officer; Chairperson of the Committee on Justice, Good Government and Human Rights; Chairperson of the Committee on Labor and Employment; Chairperson of the Committee on Education and Information; Division Superintendent of Provincial Schools of the Department of Education; Head of the Commission on Higher Education Region VI; Chairperson of the Committee on Cultural Communities and Underprivileged; Head of the Commission on Indigenous People of the Province of Iloilo; Persons with Disabilities Affairs Officer; Provincial Social Welfare and Development Officer; Provincial Director of Iloilo Provincial Police Office; President of Provincial Senior Citizens Federation Association, Inc.; Head of the Department of Labor and Employment; President of the Iloilo Chamber of Commerce; and the Honorable Liecel Mondejar-Seville, Chairperson, Committee on Social Welfare, Housing, Senior Citizens and Persons with Disability, all of the Province of Iloilo, for their information and reference;

APPROVED."

I HEREBY CERTIFY to the correctness of the above-quoted Ordinance.

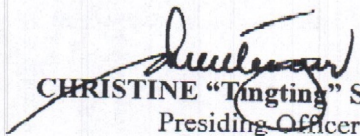

ATTY. RAUL S. TIOSAYCO
Secretary to the SP

CONCURRED BY:



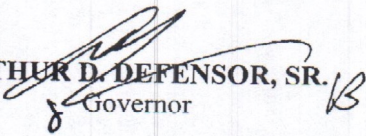
LORENZ R. DEFENSOR
Floor Leader

ATTESTED BY:



CHRISTINE "Tingting" S. GARIN
Presiding Officer

APPROVED:



ARTHUR D. DEFENSOR, SR.
Governor