Republic of the Philippines
QUEZON CITY COUNCIL
Quezon City
19th City Council

PO19CC-354

42nd Regular Session

ORDINANCE NO. SP-2357, S-2014

AN ORDINANCE PROVIDING FOR A COMPREHENSIVE ANTI-DISCRIMINATION POLICY ON THE BASIS OF SEXUAL ORIENTATION, GENDER IDENTITY AND EXPRESSION (SOGIE).

Introduced by Councilors LENA MARIE P. JUICO, DOROTHY A. DELARMENTE, JULIENNE ALYSON RAE V. MEDALLA and JESUS MANUEL C. SUNTAY.

Co-Introduced by Councilors Anthony Peter D. Crisologo, Alexis R. Herrera, Roderick M. Paulate, Estrella C. Valmocina, Allan Benedict S. Reyes, Eufemio C. Lagumbay, Jaime F. Borres, Vincent DG. Belmonte, Mr. Bayani V. Hipol, Godofredo T. Liban II, Andres Jose G. Yllana, Jr., Marivic Co-Pilar, Rogelio "Roger" P. Juan, Donato C. Matias and Ricardo B. Corpuz.

WHEREAS, Section 11, Article II of the 1987 Philippine Constitution states that the State values the dignity of every human person and guarantees 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 law;

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WHEREAS, the Philippines is a state party to several international agreements such as the Universal Declaration of Human Rights (UDHR), 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 Against Torture (CAT), International Convention on Civil and Political Rights (ICCPR) and Convention on the Rights of Persons with Disabilities (CRPD), which instruments aim to eliminate all forms of discrimination and abuse;

WHEREAS, Section 73 of Article XI of the Quezon City Gender and Development Code (QC GAD Code) states that it is the policy of the City to employ conscious efforts at improving the quality of lives of women and men of all sexual orientations and identities based on sustained, equitable growth and balanced ecology;

WHEREAS, according to Office Order No. 27, Series of 2013 of the Office of the Mayor, the Quezon City Pride Council (QCPC) was constituted in view of the City Government's support of Gender and Development (GAD) plans, programs and activities; and with the aim of integrating and synchronizing programs and projects of the lesbian, gay, bisexual and transgender (LGBT) community in the City, and to ensure herein the effective implementation of said programs;

WHEREAS, QCPC shall spearhead cultural, arts, film, sports and other related events including education campaigns on lesbian, gay, bisexual and transgender (LGBT) issues and concerns. The QCPC shall conduct trainings and livelihood programs for the lesbian, gay, bisexual and transgender (LGBT) community in coordination with other city departments/offices and national government agencies, including private agencies;

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WHEREAS, on 26 March 2007, a group of human rights experts launched the Yogyakarta Principles on the Application of Human Rights Law in Relation to Sexual Orientation and Gender Identity (hereinafter the "Yogyakarta Principles"). The Principles are intended as a coherent and comprehensive identification of the obligation of States to respect, protect and fulfill the human rights of all persons regardless of their sexual orientation or gender identity;

WHEREAS, on 17 June 2011, the UN Human Rights Council (HRC) adopted Resolution 17/19 (Human Rights, Sexual Orientation and Gender Identity), which paved the way for the United Nations Office of the High Commissioner for Human Rights (OHCHR) to issue the first UN report on human rights and sexual orientation and gender identity (SOGI). In the report, evidence of the discrimination faced by people because of their sexual orientation or gender identity was presented, including inequities in employment, access to health treatment, care, and support (TCS), and education, as well as criminalization, physical violence and murder (OHCHR, 2011). High Commissioner Navi Pillay challenged UN member states to help write a new chapter in UN history by ending the discrimination faced by lesbian, gay, bisexual, and transgender (LGBT) people;

WHEREAS, lesbian, gay, bisexual and transgender (LGBT) persons are target of physical and verbal assaults that affect their economic, cultural, social, health well-being. There is no coordinated and comprehensive state or even non-state mechanisms that monitor the instances of discrimination, bias, prejudice, and violence that lesbian, gay, bisexual and transgender (LGBT) persons face due to homophobia, transphobia, and machismo;

WHEREAS, according to research conducted by the Philippine LGBT Hate Crime Watch, of the 141 documented cases of hate crimes from 1996 to 2011, ninety five (95) cases involved gay men, twenty six (26) involved transgenders, sixteen (16) involved lesbians and four (4) involved bisexuals. From an average of ten (10) lesbian, gay, bisexual and transgender (LGBT) people murdered between 1996-2008, the number has risen to twelve in 2[illegible], and 27 from January to May 2011;

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WHEREAS, lesbian, gay, bisexual and transgender (LGBT) persons in the Philippines continue to experience stigma, prejudice and discrimination. This stigma is manifested in actions such as: bullying, teasing and harassment of lesbian, gay, bisexual and transgender (LGBT) children and adolescents in families, schools, and communities; media portrayal of lesbian, gay, bisexual and transgender (LGBT) persons as frivolous, untrustworthy and even dangerous or predatory; denying transgender Filipinos entry into commercial establishments; pigeonholing lesbian, gay, bisexual and transgender (LGBT) Filipinos into particularly limited roles and occupations; or curtailing their rights to participate in the political sphere;

WHEREAS, in 2003, the Quezon City Council enacted Ordinance No. SP-1309, S-2003 entitled "An Ordinance Prohibiting All Acts of Discrimination Directed Against Homosexuals in any office in Quezon City whether in the government or in the private Sector, and providing penalties for violation thereof";

WHEREAS, on 27 March 2014, Mara La Torre, 22, a transgender woman call center employee, filed a criminal complaint before the Quezon City Prosecutor's Office for violation of City Ordinance No. SP-1309, S-2003, on the ground that she was prevented by security guards from using the women's washroom or toilet in her workplace;

WHEREAS, on September 26, 2014, the UN Human Rights Council adopted a resolution against LGBT Violence and discrimination expressing grave concern at acts of violence and discrimination committed against individuals based on their sexual orientation and gender identity and upholding the rights of the LGBTs. The Philippines was among the twenty-five countries which voted yes in this landmark UN resolution.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN REGULAR SESSION ASSEMBLED:

SECTION I. TITLE – This Ordinance shall be known as "The Quezon City Gender-Fair Ordinance".

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SECTION I. TITLE – This Ordinance shall be known as "The Quezon City Gender-Fair Ordinance".

SECTION II. DECLARATION OF POLICY – It is hereby declared a policy of Quezon City to actively work for the elimination of all forms of discrimination that offend the equal protection clause of the Bill of Rights enshrined in the Constitution, and other existing laws 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

a) LGBT – refers to a diverse and complex range of identities based on sexual orientation, gender identity and expression (hereinafter "SOGIE"). The term "LGBT" refers to gender and sexuality non-conforming persons, including, but not limited to lesbian, gay, bisexual and transgender persons.

a.1 Lesbian - a woman whose emotional, romantic, and sexual energies are geared towards other women;

a.2 Gay - a person who is emotionally and/or physically attracted to members of the same sex. Although all-encompassing, this term refers mainly to men;

a.3 Bisexual- a person who is emotionally and/or physically attracted to members of both the same and the opposite sex;

a.4 Transgender - is the state of one's gender identity (self-identification as woman, man or neither) not matching one's "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

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definition for transgender remains in flux, but includes:

- 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.

- people who were assigned a sex, usually at birth and based on their genitals, but who feels that this is a false or incomplete description of themselves.

-non-identification with, or non-presentation as the sex (and assumed gender) one was assigned at birth.

b) DISCRIMINATION – shall mean any distinction, exclusion, restriction, or preference made on the basis of sexual orientation and gender identity and expression (SOGIE) 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;

c) SEX – Sex is a human and civil status of a person acquired by birth having organ and system of reproduction.

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 different gender or the same gender or more than one gender;

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