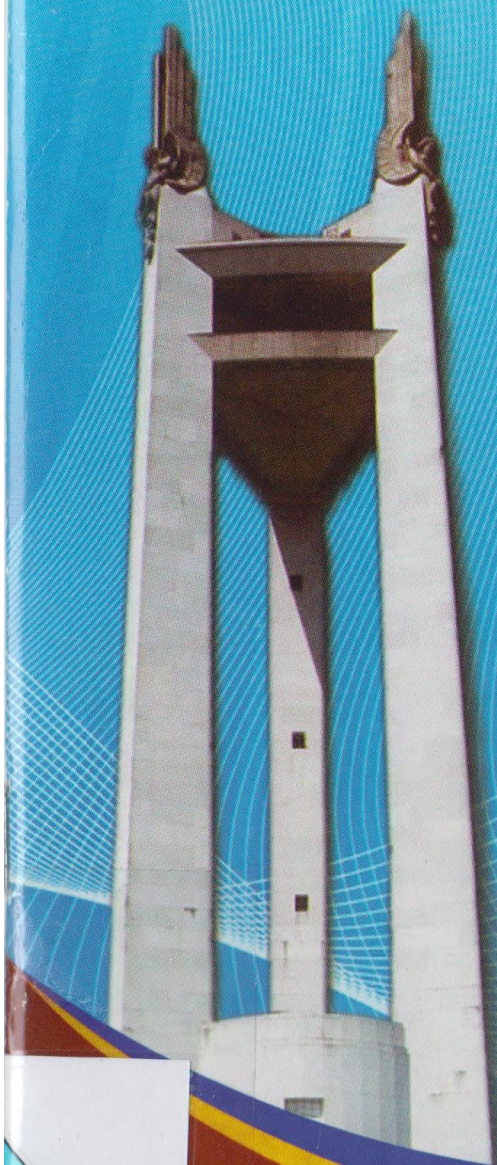
QUEZON CITY GENDER-FAIR ORDINANCE



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

Under 2/3/15

Background:

Discrimination is committed when a person treats another less favourably on the basis of actual or perceived sexual orientation, gender identity and expression (SOGIE) than a person treats or would treat another without the attribute, on the same or similar circumstances in employment, education, accommodation, delivery of services and in other areas.

Pursuant to Office Order No. 27, Series of 2013 of the Hon. Herbert M. Bautista, City Mayor, the Quezon City Pride Council 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 the effective implementation of said programs.

In relation thereto the Office of the Vice Mayor in cooperation with the University of the Philippines' Centre for Women Studies (UP-CWS) and the Office of Hon. Councilor Lena Marie Juico invited participants and stake holders from all over Quezon City for the QC LGBT Summit held last November 16, 2013 at the Multipurpose Theatre of the Amoranto Sports Complex.

Over 300 LGBTs attended the summit, with 116 lesbians, 177 gays, 35 bisexuals and 13 transgender with the view of introducing suggestions and recommendations on amending the current Anti-Discrimination Ordinance and raising awareness to the human rights of the LGBT community. Seven thematic areas were considered in which the LGBT community experience to discrimination, namely:

- Employment - limited access to employment benefits because domestic partnerships for same-sex couples are not recognized by the state;
- Education – bullying is a common experience by LGBT students not only from fellow students but also from teachers and other school officials;
- Health – the participants manifested that HIV/AIDS testing should not be mandatory and not be a basis for discrimination. Gender identity should be considered in health centers and should be considered in deciding the appropriate care for the patient;
- Family and Community – issue on same-sex marriage/ partnership was a major concern of the LGBTs as well as the rights and recognition that goes with it;
- Media – the role of media is to educate and media should be educated in terms of LGBT issues first since media portrayals of LGBTs remain limited to objects of ridicule or comic characters ;
- Law and Legal issues – the participants agreed that the current anti-discrimination ordinance is very limited it should be expanded to become the basis of sexual orientation and gender identity; and
- Religion – the participants sites the influence of certain religions which affects policies on LGBT rights.

Among the recommendations during the Quezon City LGBT Pride Summit held on November 2013 was to come up with an ordinance aimed at promoting and providing support for the rights of lesbian, gay, bisexual, and transgender (LGBT) persons in Quezon City.

The draft ordinance entitled 'An Ordinance Prohibiting Discrimination on the Basis of Sexual Orientation, Gender Identity and Expression (SOGIE) in Employment, Education, Accommodation, Delivery of Goods and Services, and Other Forms of Discrimination, and Providing Penalties Therefor', with the short title 'An Ordinance Creating a Gender-Fair City', was filed on August 6, 2014 through the initiative of Councilor Lena Marie P. Juico.

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Legislative Track:

PO19CC-354 was filed to the Office of the City Secretary on August 6, 2014 and was calendared for First Reading during the 35th City Council Regular Session held on August 11, 2014 and was referred to the Committee On Laws Rules and Internal Government, Committee on Justice and Human Rights; Committee on Labor Employment and Overseas Filipino Workers; and Committee on Appropriations.

It was approved during the Committee on Justice and Human Rights meeting held on September 2, 2014; approved during the Committee on Appropriations meeting held on September 5, 2014; and was approved during the joint committee meeting of the Committee on Labor; Employment and Overseas Filipino Workers and the Committee on Laws, Rules and Internal Government held on September 24, 2014.

The proposed ordinance was approved on Second Reading during the 42nd Regular Session held on September 29, 2014.

Sponsorship Speech of Coun. Lena Marie "Mayen" Juico, 1st District, Quezon City Delivered in the Quezon City Hall on 29 September 2014 during the Second Reading of "Ordinance Creating a Gender Fair City"

It was six years ago, in 2008, when my brother, Councilor Joseph Juico, took a brave step to bring to the fore the need to create a measure on reproductive health and rights which will enable our people's access to

reproductive health commodities, as well as reproductive health education. The result was the Ordinance Establishing A Quezon City Population And Reproductive Health Management Policy. The Quezon City Council stood by him in passing the Ordinance, way ahead of the enactment of the Philippine Reproductive Health Law.

Today, I ask my distinguished colleagues to stand united as we continue our journey towards being a fully inclusive and gender-fair city. Being hailed as a pioneer in gender rights and empowerment, it is incumbent upon Quezon City to ensure that human rights of all people - be they heterosexual or lesbian, gay, bisexual and transgender (LGBT) - including those related to sexual orientation, gender identity and expression or what we call SOGIE, be respected, protected and promoted in our City.

As Mayor Herbert Bautista declared during the consultation for this Ordinance conducted with the different departments here in Quezon City: "Human rights do not have any gender." And yet as observed by an international expert: "Human rights are for everyone, without reservation, yet women, men and persons whose sexuality does not conform with dominant norms face rape, torture, murder, violence, and abuse because of their sexual orientation or gender identity."1

Based on empirical data and research, it cannot be denied that discrimination, harassment and violence continue to be perpetrated against the lesbian, gay, bisexual and transgender or LGBT community. This, despite the Philippines, being branded as one of the most gay-friendly nations in world. Yet the data on discrimination directed towards LGBT persons cannot lie.

In so many ways, LGBT persons remain to be excluded and marginalized: an invisible minority. As noted by the Psychological Association of the Philippines, in its 2011 Official Statement, LGBTs continue to experience stigma, prejudice, contempt and discrimination. This is manifested in actions such as: outright violence, bullying, teasing and harassment of LGBT children and adolescents, in families, schools and communities;

portraying LGBT persons in the media as frivolous, untrustworthy and even dangerous and predatory; denying transgender Filipinos entry into commercial establishments; pigeonholing LGBT persons into particularly limited roles and occupations; and curtailing their rights to participate in the political and economic spheres, to name a few.

It is commonplace for LGBT persons to confront hatred, intolerance, violence and widespread discrimination on a daily basis. This sad fact is reiterated in a research conducted by the Philippine Hate Crime Watch, where out of the 141 documented cases of hate crimes from 1996-2011, ninety five (95) cases involved gay men, twenty six (26) involved transgenders, sixteen (16) involved lesbians and four (4) involved bisexuals. Judging from these statistics, can we still call ourselves a "gay-friendly" nation?

A State that values the dignity of every human persons and guarantees full respect for human rights does not stop at just being called being "gay-friendly". We must ensure that our domestic laws are in compliance with international human rights standards. The Philippines is a signatory to international covenants 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), and International Convention on Civil and Political Rights (ICCPR). By signing these treaties we are obligated to enact domestic and national laws that adhere to international standards on human rights, which standards aim to eliminate all forms of discrimination and abuse. It is our responsibility as legislators to make sure that policies are in place and to see to it that everyone is equal in dignity and in rights.

Just three days ago, last Friday, on September 26, 2014, the UN Human Rights Council (UNHRC) adopted a resolution against LGBT violence and discrimination, „expressing grave concern" at violence and discrimination committed against individuals based on their sexual orientation and gen-

der identity, and upholding the rights of the LGBTs. The good news is the Philippines, a predominantly Catholic country, was among the 25 countries which voted "yes" to this landmark UN resolution.

While the Quezon City 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 and equitable growth, the protection and promotion of LGBT rights remains one of the human rights challenges of our time.

To be sure, our people are aware of the pressing problem of discrimination against LGBTs in our City. In fact, this Ordinance Creating a Gender Fair City is a product of the people"s will. As early as November 2013, the Office of the Vice Mayor conducted an LGBT summit attended by almost 400 participants: LGBTs from the six districts, as well as representatives from the academe, NGOs, grassroots communities, and the business sector. The results of the Gender Summit highlighted the need to push for legislative measures to provide redress to the pressing problem of discrimination against LGBTs, particularly in areas where gender discrimination is rampant: family, community, religion, education, employment, legal, media, and health.

Furthermore, to ensure that all voices are heard, numerous public consultations , attended by almost 700 participants, were conducted for this Ordinance, which were undertaken by the Office of this representation, the Office of the Vice Mayor, and Galang Philippines, in all the six (6) districts in Quezon City, as well as before the various City Departments. The workshop results from the public consultations confirmed the need for policy-based solutions to the discrimination faced by LGBT persons. In fact, 95% of the participants in the public consultations, an overwhelming majority, found this proposed ordinance relevant and helpful. Notably, the participants of the public consultations consisted of various religious beliefs, political persuasions and economic interests.

During the LGBT summit and public consultations, actual cases of discrimination and violence were shared by the participants. Let me give you

examples. In Barangay Pinyahan, there were LGBT participants who shared experiences of not being allowed to use the toilets designated for males and females, respectively, because of their being LGBTs. This disallowance caused them a lot of discomfort because they were hampered from relieving themselves when they needed to visit the comfort room. The pressing problem of LGBTs being disallowed to use toilet facilities according to self-identified sexual orientation and gender identity was highlighted yet again in the case of Mara La Torre, a transgender woman call center employee, who in 2014 filed a criminal complaint before the Quezon City Prosecutors Office for violation of City.



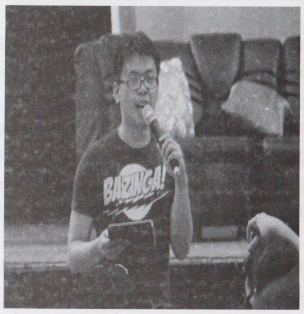
Ordinance SP1309, S-2003 or "An Ordinance Prohibiting All Acts of Discrimination Directed Against Homosexuals in any office in Quezon City whether in the government or in the private Sector, and providing penalties for violation thereof", on the ground that she was prevented by security guards from using the women's washroom or toilet in the workplace. The disallowance of the security guards forced Mara to reduce her water intake which eventually resulted in urinary and other health problems.

In Barangay Talipapa, an incumbent Kagawad, shared his experience of discrimination in the police station in their area. One night when the police rounded up a group of teenagers for vagrancy, the police requested that each arrested individual submit a request for release from at least one Barangay Kagawad. The Kagawad was requested to go to the police station to facilitate the release of some of the teenagers from his barangay. When he arrived at the police station, he noticed two other barangay offi-

cials who were also there for the same purpose. The police officers addressed the other Kagawads as „Kagawad" but called him „bakla" instead. The Kagawad was told: „O ikaw bakla, sino naman ang iyo?" He felt insulted by the way the police officers treated him as this was clearly a case of discrimination.



In the LGBT summit, one student shared: "May classmates na bully. Nakakasakit sa damdamin. Walang ginawa ang school. Hindi sila nagsumbong dahil wala din naman daw papansin." Another participant shared: "Minsan nasa teachers rin. May mga teachers na tatawagin kang "tomboy" o "bakla", na may kasamang tawa. Alam naman nila ang pangalan."



Another participant in the LGBT Summit goes on to say rather plaintively: "Hindi nila tayo maintindihan. Hindi nila maintindihan ang LGBT. Binabastos. Verbal at physical abuse sa mga miyembro ng LGBT community. Tinatawanan at kinukutya ang mga pagkilos para sa LGBT rights. Hindi sineseryoso ang laban para sa LGBT, at madalas, kinukutya ang LGBT movement."

The sad tales of discrimination continue: in Barangay Villa Maria Clara, a participant shared the story of a father who beat mercilessly, only for acting effeminately. A kagawad from Barangay Villa Maria Clara shared that their group made a reservation for a function at Aruba Bar. There were no

problems with the reservation, they paid the whole amount and their function was confirmed, and yet they arrived at the bar, they were refused entry on the ground that some of them were what the bar referred to as "cross-dressers.

How much more prevalent acts of discrimination and violence would be if there is no law to punish it? The lack of legal protection exposes LGBT persons to unchecked discrimination in employment, education, accommodation, delivery of goods and services, and other forms of discrimination, on the basis of sexual orientation, gender identity and expression (SOGIE).



I strongly believe that creating a Gender-Fair City, which includes LGBTs, is not far from possible, with the help and support of the executive and this council. As Vice Mayor Joy Belmonte said: "We want Quezon City to be a champion when it comes to practicing the rights of the LGBTs." The initial step has already been taken, when the Office of the Mayor issued Office Order 27, Series of 2013 constituting the Quezon City Pride Council (QCPC), but there is a lot of work to be done. I enjoin my fellow councilors, to take this leap of faith with me, so that we can a make a truly "gender-fair" and inclusive city: one that does not discriminate based on sexual orientation and gender identity and expression, but treats everyone fairly under the law. Recently, even Pope Francis stated: "If a person is gay and seeks God and has good will, who am I to judge?"

Furthermore, it is important to underscore that LGBT rights is not just about LGBT issues alone, it is about human rights, and that is something

which concerns all of us. Hence, it is everyone"s responsibility to make sure that human rights is available to all, no exceptions and no one left behind.



Let me leave you reflecting on a quote by President Nelson Mandela, "real equality admits no exceptions…that to enjoy freedom we must not only cast off our own chains, but also learn to live in a way that respects the freedom of others."



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

PO19CC-354

42th Regular Session

ORDINANCE NO. SP-_____, S-2014

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

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

WHEREAS, Article XIII, Section 1 (a) 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, Article III, Section 1 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;

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 (hereinafter "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 the effective implementation of said programs;

WHEREAS, the Quezon City Pride Council (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;

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 fulfil 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 targeted with physical and verbal assaults that affect their economic, cultural, social, health, and other 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 2009, 26 in 2010, and 27 from January to May 2011;

WHEREAS, lesbian, gay, bisexual and transgender (LGBT) persons in the Philippines continue to experience stigma, prejudice and dis-

crimination. 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, Quezon City enacted Ordinance No. SP-1309, S-2003, "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 27 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 SP1309, 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 violence and discrimination committed against individually based on their sexual orientation and gender identity and upholding the rights of the LGBT's. The Philippines was among the twenty-five countries which voted yes to their landmark UN resolution.

NOW, THEREFORE,

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

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, poly-

sexual or asexual. The precise 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 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 dress, speech and mannerisms;

f) GENDER EXPRESSION - is how a person publicly presents one's gender. This can include behavior and outward appearance such as dress, 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 - 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/ subcontractor shall be deemed the employer of the contractual employee;

i) ACCOMMODATION - as mentioned herein, includes a house, apartment, condominium, townhouse, flat, motel, boarding house, hotel, and dormitory, which are open to the general public. It shall also include the grant of license, clearance, certification or any other document issued by governmental authorities or other private or juridical entities;

j) GOODS and SERVICES - as applied herein includes but shall not be limited to establishments, individuals and groups of individuals supplying physical goods and services such as restaurants, resorts, hotels, clubs, and shopping malls as well as those providing clearing, repair, maintenance, construction, financial, health, transportation and public utility services;

k) VILIFICATION - The utterance of slanderous and abusive statements done in any activity in public which incites hatred towards, serious contempt for, or severe ridicule towards any person/s on the basis of actual or perceived sexual orientation, gender identity and expression (SOGIE).

l) PUBLIC RIDICULE - an act of making fun or contemptuous imitating or making mockery of persons whether in writing, or in words, or in action on the basis of actual or perceived sexual orientation, gender identity and expression (SOGIE).

SECTION IV. PROHIBITED ACTS/ACTS OF DISCRIMINATION - Discrimination is committed when a person treats another less favorably on the basis of actual or perceived sexual orientation, gender identity and expression (SOGIE), than a person treats or would treat another without that attribute, on the same or similar circumstances in employment, education, accommodation, delivery of services, and in other areas, to wit:

1. **Discrimination in Employment** - 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, gender identity and expression (SOGIE), in public or private employment by:

a) Denying or limiting rights to trainings, 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 Quezon City;

c) Excluding membership in labor unions or similar organization;

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;

e) Dismissing the employee or subjecting the employee to any other detriment on the basis of actual or perceived sexual orientation, gender identity and expression (SOGIE).

2. **Discrimination in Education** - It shall be unlawful for an educational institution, both public and private, along with the institution's officers and employees, to discriminate against a person on the ground of actual or perceived sexual orientation, gender identity and expression (SOGIE) thereof 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 of a person as a student;

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 on the basis of actual or perceived sexual orientation, gender identity and expression (SOGIE);

e) Refusing admission, denying acceptance or expelling or dismissing a student from academic, socio-civic organization and associations on the basis of actual or perceived sexual orientation, gender identity and expression (SOGIE);

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, trainors, administrators or by other students.

3. **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 ground of actual or perceived sexual orientation, gender identity and expression (SOGIE) by:

a) Refusing to provide goods or services and/or imposing onerous terms and conditions to a person on the ground of one's actual or perceived sexual-orientation, gender identity and expression (SOGIE) 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;

b) Denying a person's access to health services and facilities, health insurance, and other related benefits as provided under the law.

4. **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 ground of actual or perceived sexual orientation, gender identity and expression (SOGIE) by:

a) Refusing or failing to allow any person to avail of services or accommodation in an apartment, condominium, townhouse, flat, hotel, inn, dormitory and any other places of dwelling being rented out or offered to the public or for a fee;

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 of actual or perceived sexual orientation, gender identity and expression (SOGIE).

5. **Verbal, Non-Verbal Ridicule and Vilification** - Any person, natural or juridical, is hereby prohibited from vilifying or ridiculing any person on the basis of actual or perceived sexual orientation, gender identity and expression (SOGIE) which could result in the loss of self-esteem of the latter through any of the following acts:

a) Making fun or contemptuous imitating or making mockery whether in writing, or in words, or in action;

b) Uttering of slanderous and abusive statements;

c) Executing any activity in public which incites hatred towards, serious contempt for, or severe ridicule of a person;

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.

6. **Harassment, unjust detention and involuntary confinement** - It shall be unlawful to commit harassment, unjust detention and involuntary confinement because of one's actual or perceived sexual orientation, gender identity and expression (SOGIE).

7. **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, shopping malls, and other places or entertainment and other businesses which are open to the general public; and/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 of actual or perceived sexual orientation, gender identity and expression (SOGIE).

8. **Promotion of Discrimination Against LGBT -** It shall be unlawful to organize groups and activities which promote and incite discrimination against persons based on actual or perceived sexual orientation, gender identity, and expression (SOGIE).

9. **Any Other Analogous Act** - Any act of discrimination or harassment based on actual or perceived sexual orientation, gender identity and expression (SOGIE), which demeans the dignity and self-respect of a person or impairs, mars, 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, educational spheres, and other spheres.

SECTION V. AFFIRMATIVE ACTS - To ensure that the rights of lesbian, gay, bisexual and transgender (LGBT) persons are protected, the following plans and programs shall be adopted in employment, in education, in the delivery of goods and services, accommodation, and other areas, to wit:

1. Affirmative Acts in Employment

a) Wage and Benefits for Lesbian, Gay, Bisexual and Transgenders (LGBT) persons - Every employer in Quezon City 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 lesbian, gay, bisexual and transgender (LGBT) persons benefits afforded under existing laws, such as maternity/paternity leaves, sick and vacation leaves, retirement, and benefits provided under special laws such as in RA 9262, among others;

b) Issuance of Annual Gender Sensitivity, including Sexual Orientation Gender Identity and Expression (SOGIE) – All private offices, commercial/industrial establishments located in Quezon City shall encourage an annual gender sensitivity training or orientation for all employees, including a module on the elimination of all forms of discrimination on the basis of one's actual or perceived sexual orientation, gender identity and expression (SOGIE).

c) Dissemination to Employees and Posting of the Ordinance - A copy of this ordinance shall be provid-

ed to all employee/s 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;

d) Facilities and Support System for Lesbian, Gay Bisexual and Transgender (LGBT) Persons - All government agencies, private offices, and commercial/ industrial establishments shall designated toilet rooms and lavatories labelled as all gender CR.

2. Affirmative Acts in Education

a) Equal Access to Education Opportunities – The Quezon City Government shall ensure equal access to opportunities for lesbian, gay, bisexual and transgender (LGBT) persons in various training and scholarships;

b) Availability of Anti-Discrimination Materials- All schools, colleges, universities and other educational and training institutions, whether public or private, located in Quezon City shall develop and make available resource materials on gender rights and empowerment, including laws and ordinances pertinent to the elimination of any form of discrimination on the basis of actual or perceived sexual orientation, gender identity and expression (SOGIE), in their libraries;

c) Elimination of Gender Stereotyping - All schools, colleges, universities and other educational and training institutions, whether public or private, located in Quezon City shall promote the elimination of sex-role stereotyping and gender-discriminatory role

modelling for students in academics and extra-curricular activities;

3. 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 to the standards provided under applicable laws;

4. Affirmative Acts in Accommodation

a) Health Services for Lesbian, Gay, Bisexual and Transgender (LGBT) Persons and Capacity-Building and Training for Health Care Providers - In order to ensure that health care services shall be provided in a non discriminatory manner, the Quezon City Government, through the City Health Department, 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 (SOGIE), personal circumstances and nature of work;

2. Monitor and ensure that provisions for gender-sensitive, gender-responsive and accessible health services for lesbian, gay, bisexual and transgender (LGBT) are available both at the hospitals within the City and Barangay Health Centers;

3. Develop 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;

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, gender identity and expression (SOGIE), in order to provide a comprehensive, responsive and accessible health services;

5. 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;

6. Oversee implementation of reproductive health programs for all Quezon City- based establishments;

7. Initiate dedicated measures for lesbian, gay, bisexual and transgender (LGBT) workers to access without discrimination, STD and STI check-ups and treatments, including but not limited to life saving HIV management, prevention, care and support services.

8. Initiate a sensitization and training drive in all government health care facilities about the needs of lesbian, gay, bisexual and transgender (LGBT) population vis-avis general health and medical emergencies.

SECTION VI. INCORPORATION OF SEXUAL ORIENTATION, GENDER IDENTITY AND EXPRESSION (SOGIE) CONCERNS WITH

FUNCTIONS OF EXISTING VIOLENCE AGAINST WOMEN AND CHILDREN (VAWC) DESK HUMAN RIGHTS DESK IN QUEZON CITY POLICE DISTRICT (QCPD) – The Quezon City Police District is strongly encouraged to handle the specific concerns relating to sexual orientation gender identity and expression (SOGIE) through the existing Violence Against Women or VAWC/human rights desk in all police stations in Quezon City, in close coordination with Quezon City Protection Center.

SECTION VII. Composition of the Quezon City Pride Council (QCPC) – Members of the Secretariat shall be recommended by the Quezon City Pride Councils shall be composed of the following: Chairperson – Mayor; Co-Chairperson-Vice Mayor, Vice-Chairperson- Chairperson, Committee on Women, Gender and Family Relations; Members – Head of the Public Employment Services Office, Chief of Business Permits and Licensing Office, Superintendent of the Division of City Schools, Representative, Gender Development Council, Representative from Non-Government Organization accredited by the city, Head of the Quezon City Health Department, Representative from the QCPD, Head of the Housing and Community Development and Resettlement Department.

SECTION VIII. INCORPORATION OF SEXUAL ORIENTATION, GENDER IDENTITY AND EXPRESSION (SOGIE) CONCERNS WITH THE FUNCTIONS OF THE EXISTING BARANGAY VIOLENCE AGAINST WOMEN AND CHILDREN (VAWC) DESK – All barangays in Quezon City are strongly encouraged to handle concerns relating to sexual orientation, gender identity and expression (SOGIE) through the existing Barangay Violence Against Women and Children (VAWC) Desk.

a) Develop a system to document and report cases of discrimination and violence against actual or perceived lesbian, gay, bisexual and transgender (LGBT) persons and provide assistance to the victims thereof;

b) Ensure that barangay officials, barangay security or tanod and other barangay workers, including volunteers, undergo training to enable them to respond to victims of gender discrimination and violence against lesbian, gay,

bisexual and transgender (LGBT) persons;

c) Assist the victim in filing the appropriate complaint with the Quezon City Police District or other law enforcement agencies;

d) Ensure that all pertinent documents are forwarded to the Quezon City Police District.

SECTION IX. OVERSIGHT FUNCTIONS OF THE QUEZON CITY PRIDE COUNCIL (QCPC) UNDER THE ORDINANCE – The Quezon City Pride Council shall perform oversight function over the implementation of this Ordinance, including the implementation of Anti-Discrimination programs provided herein. The QCPC shall exercise the following principal functions:

a) Monitor complaints concerning violations of any provision of this Ordinance;

b) Facilitate and assist the victims of stigma and discrimination to ensure that they are afforded legal representation, counseling and psychological assistance;

c) Maintain discrimination case documentation, case monitoring system, and set-up a databank to easily access various cases and experiences of stigma and discrimination;

d) Shall recommend to the Sangguniang Panglungsod anti-discrimination policies;

e) Monitor or review all policies embodied in resolutions, ordinances, codes and other policy documents are free from discriminatory statements and provisions and undertake necessary amendments of those provisions to effectively eliminate discrimination, stigma and stereotypes;

SECTION X. COMMEMORATION OF LESBIAN, GAY, BISEXUAL AND TRANSGENDER (LGBT) EVENTS – In support of the lesbian, gay, bisexual and transgender (LGBT) community, the Quezon City Government shall commemorate the annual celebration of the following:

a) International Day against Homophobia and Transphobia (IDAHO) on May 17
b) Philippine Pride March on the First Saturday of December
c) World Aids Day on December 1
d) Human Rights Day on December l0

SECTION XI. APPROPRIATION - For the effective implementation of this Ordinance, the City Government shall source out funds from the 5% of the annual budget appropriated to finance the Gender and Development (GAD) plans, projects and programs.

SECTION XII. ANTI-DISCRIMINATION PROGRAMS - Fund shall be allocated by the Quezon City government for the implement of the following programs:

a Discrimination Databank and Monitoring;
b) Access to Legal Representation of victims of discrimination based on sexual orientation, gender identity and expression (SOGIE);
c) Psychological Counselling;
d) Anti-Discrimination Campaign;
e) Policy review;
f) Organization of Lesbian, Gay, Bisexual and Transgender (LGBT) persons in the barangay to ensure sectoral representation in the City Government.

SECTION XIII. PERSONS LIABLE - Any person, natural or juridical, who commits any of the acts herein prohibited, shall be criminally liable and penalized accordingly. In case of juridical persons, such as but not limited to, corporations, partnerships, associations, institutions, whether private or public, the President or head of office, shall also be criminally

responsible.

SECTION XIV. PENALTIES - Any person held liable under this Ordinance shall be penalized with imprisonment for a period of not less than sixty days (60) days but not more than one (1) year and/ or a fine of not less than One Thousand Pesos (Php1, 000) but not to exceed Five Thousand Pesos (Php5,000), 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.

SECTION XV. INDEPENDENT ACTION FOR DAMAGES - Nothing in this Act shall preclude the victim of discrimination based on actual or perceived sexual orientation, gender identity and expression, from instituting a separate and independent action for damages and other affirmative relief.

SECTION XVI. IMPLEMENTING RULES AND REGULATIONS - Within Sixty (60) days from the effectivity of this Ordinance, the Quezon City Pride Council, shall jointly formulate, after thorough consultation with multi-sectoral groups and stakeholders, the implementing rules and regulations and guidelinesof 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, LGBT NGOs, LGBT organizations and community-based organizations.

SECTION XVII. SEPARABILITY CLAUSE - If any portion or provision of this ordinance is declared as void or unconstitutional, the remaining portions thereof shall not be affected thereby and shall remain in full force and effect.

SECTION XVIII. REPEALING CLAUSE - Any provision of law or regulation inconsistent herewith is hereby repealed, revoked or modified accordingly.

SECTION XVIII. EFFECTIVITY CLAUSE - This Ordinance shall take effect ten (10) days after its publication in a local newspaper of general circulation in the city and its posting in the entrance of the City Hall

and in two (2) other conspicuous places in the city.

ENACTED: September 29, 2014.

MA. JOSEFINA G. BELMONTE
Vice Mayor
Presiding Officer

ATTESTED:

Atty. JOHN THOMAS S. ALFEROS III
City Gov't. Asst. Dept. Head III

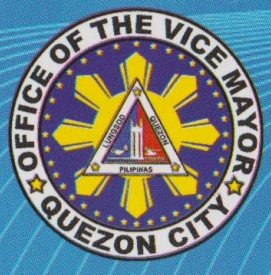
APPROVED: _____

HERBERT M. BAUTISTA
City Mayor

CERTIFICATION

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on September 29, 2014 and was PASSED on Third/Final Reading on _____.

Atty. JOHN THOMAS S. ALFEROS III
City Gov't. Asst. Dept. Head III



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