



EXCERPTS FROM THE JOURNAL OF PROCEEDINGS OF THE 100TH REGULAR SESSION OF THE 14TH SANGGUNIANG PANLUNGSOD OF THE CITY OF PUERTO PRINCESA HELD ON JUNE 1, 2015 AT THE SESSION HALL OF THE SANGGUNIANG PANLUNGSOD

PRESENT:

Hon. **LUIS M. MARCAIDA III**
Hon. **VICKY T. DE GUZMAN**
Hon. **MODESTO V. RODRIGUEZ II**
Hon. **MATTHEW K. MENDOZA**

City Vice Mayor, Presiding Officer
City Councilor, Chairman Protempore
City Councilor, Majority Floor Leader
City Councilor, Assistant Majority Floor Leader
City Councilor, Minority Floor Leader
City Councilor
City Councilor
City Councilor
City Councilor
City Councilor
City Councilor, Temporary Presiding Officer

Hon. **PETER Q. MARISTELA**
Hon. **GREGORIO Q. AUSTRIA**
Hon. **VICTOR S. OLIVEROS**
Hon. **ELEUTHERIUS L. EDUALINO**
Hon. **ROY GREGORIO G. VENTURA**
Hon. **MIGUEL T. CUADERNO IV**
Hon. **ROGELIO M. CASTRO**

OFFICIAL BUSINESS: NONE

ABSENT:

Hon. **PATRICK ALEX M. HAGEDORN**

Ex-Officio Member, Pres., Liga ng mga Barangay, On Vacation Leave

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ORDINANCE NO. 657

AN ORDINANCE PROHIBITING DISCRIMINATION ON THE BASIS OF SEXUAL ORIENTATION AND GENDER IDENTITY OF LESBIANS, GAYS, BISEXUALS AND TRANSGENDERS IN THE CITY OF PUERTO PRINCESA AND PROVIDING PENALTIES THEREFOR.

Authored by: Hon. Roy Gregorio G. Ventura, City Councilor, Hon. Luis M. Marcalda III, City Vice Mayor, Hon. Vicky T. de Guzman, Hon. Modesto V. Rodriguez II, Hon. Matthew K. Mendoza, Hon. Peter Q. Maristela, Hon. Gregorio Q. Austria, Hon. Victor S. Oliveros, Hon. Eleuthertus L. Edualino, Hon. Miguel T. Cuaderno IV, Hon. Rogelio M. Castro, City Councilors,

WHEREAS, the Philippines is a signatory to numerous international agreements that ensure respect for human rights of all persons regardless of sexual orientation, gender preference or by any other condition;

WHEREAS, it is unfortunate that reality still has to catch up with the noble intentions of the above mentioned numerous laws, because lesbians, gays, bi-sexual and transgenders continue to be oppressed by iniquitous treatment of society, primarily because of misconceptions and ignorance of the public on their inherent human rights;

WHEREAS, this representation wants to be an essential part of making Puerto Princesa City one of the sensitive cities and local governments in the Philippines that promote and recognize gender equality by ensuring the advancement and respect to lesbians, gays, bi-sexual and transgenders (LGBTs);

SAMSON A. NEGOSA
City Secretary

NOW THEREFORE, BE IT ORDAINED by the Sangguniang Panlungsod of Puerto Princesa City in session assembled, that:

SECTION 1. TITLE - This Act shall be known and cited as "**Lesbians, Gays, Bisexual and Transgenders (LGBTs) Anti-Discrimination Act of Puerto Princesa City**".

SECTION 2. DECLARATION OF POLICY - It is the policy of the state to work actively for the elimination of all forms of discrimination that offends the equal protection clause of the Bill of Rights and the State obligations under human rights instruments acceded to by the Republic of the Philippines, particularly those discriminatory practices based on sex or sexual orientation. Towards this end, discriminatory practices as defined herein shall be proscribed and penalized.

SECTION 3. DEFINITION OF TERMS. For purposes of this Act, the following terms shall be defined as follows:

Sexual Orientation - refers to the direction of emotional sexual attraction or conduct. This can be towards people of the same sex (homosexual orientation) or towards people of both sexes (bisexual orientation) or towards people of the opposite sex (heterosexual orientation).

Gender Identity - refers to the personal sense of identity as characterized, among others, by manners of clothing, inclinations, and behavior in relation to masculine or feminine conventions. A person may have a male or female identity with the physiological characteristics of the opposite sex.

Discrimination - shall be understood to imply any distinction, exclusion, restriction, or preference which is based on any ground such as sex, sexual orientation, gender identity, whether actual or perceived, and which has the purpose or effect of nullifying or impairing the recognition, enjoyment, or exercise of human rights and basic freedoms.

Harassment - occurs when a person is physically or verbally abused on the basis of his gender preference or sexual orientation.

Deny access - occurs when a person is given inferior accommodations or services, or denied or refused the right to rise or enjoy opportunities and privileges usually enjoyed by others on the ground of their sexual orientation and/or gender identity.

SECTION 4. DISCRIMINATORY PRACTICES - It shall be unlawful for any person, natural or juridical, public or private to:

1. Deny access to public service, on the basis of sexual orientation and/or gender identity;
2. Include sexual orientation and gender identity, as well as the disclosure sexual orientation, in the criteria for hiring, promotion and dismissal of workers, and in the determination of employee compensation, training, incentives, privileges, benefits or allowances, and other terms and conditions on employment;

This prohibition on the basis of sexual orientation and gender identity shall also include the contracting and engaging of services of juridical persons.

3. Refuse admission or expel a person from educational institutions on the basis of sexual orientation and gender identity, without prejudice to the right of educational institutions to determine the academic qualifications of their students;

SAMSON A. NEGOSA
City Secretary

This prohibition shall include the imposition of (i) disciplinary sanctions solely on the basis of sexual orientation and gender identity (ii) penalties harsher than customary primarily due to sexual orientation and gender; or (iii) similar punishments and prohibitions;

4. Deny a person access to medical and other health services open the general public on the basis of such persons' sexual orientation and gender identity;
5. Deny a person access to or the use of establishments, facilities, utilities or services, open to the general public on the basis of sexual orientation and gender identity;
6. Harass any person on the basis of his or her sexual orientation or gender identity by members of institutions involved in the enforcement of law and the protection of rights, such as the Philippine National Police and the Armed Forces of the Philippines; and,
7. Other analogous circumstances manifesting discrimination on account of one's sexual orientation and/or gender identity.

SECTION 6. PENALTIES. Any violation of this Ordinance shall be fined the following amount:

1. 1st Offense - A fine of One Thousand Pesos (1,000.00)
2. 2nd Offense - A fine of Two Thousand Five Hundred Pesos (2,500.00)
3. 3rd Offense and/or subsequent violations shall be fined an amount of Five Thousand Pesos (5,000.00)

SECTION 7. NO CONTEST PROVISION. For the purpose of efficient implementation of this Ordinance, it is hereby provided that any person, natural or juridical who is apprehended or cited for violation of the Ordinance who does not wish to contest the violation and is willing to pay voluntarily the fines imposed upon him prior to the filing of formal charge with the proper court shall be allowed to pay said fine with the City Treasurer's Office to avoid being criminally prosecuted within twenty-four (24) hours from apprehension, otherwise the case shall be prosecuted.

SECTION 8. IMPLEMENTATION. The Gender and Development Division, under the City Mayor's Office, in coordination with the City PNP and respective barangay concerned, is hereby authorized to implement this Ordinance.

It shall formulate policies, guidelines, rules and regulations necessary to determine the propriety and merits of the complaint raised, procedure and manner of filing and hearing the same, and other matters relative to the implementation of this Ordinance.

It shall likewise conduct necessary information dissemination relative to this ordinance for the information and proper guidance of the people of Puerto Princesa City.

SECTION 9. SEPARABILITY CLAUSE. If for any reason or reasons any provision of this Ordinance be declared illegal by a competent court, other provisions which are not affected shall continue to be in full force and effect.

SECTION 10. REPEALING CLAUSE. All ordinances, resolutions executive issuances, or rules and regulations or parts thereof, which provisions are inconsistent with or contrary to the provision of this Ordinance, the same are hereby repealed, amended or modified accordingly.

SAMSON A. NEGOSA
City Secretary

SECTION 11. EFFECTIVITY. This Ordinance shall take effect fifteen (15) days following its full publication in a local newspaper of general circulation.

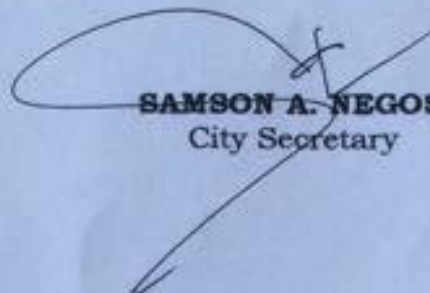
SO ORDAINED.

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I **HEREBY CERTIFY** to the correctness of the above Ordinance No. 657 adopted by the 14th Sangguniang Panlungsod of the City of Puerto Princesa during its 100th Regular Session held on June 1, 2015 at the Session Hall of the Sangguniang Panlungsod.


SAMSON A. NEGOSA
City Secretary

**ATTESTED AND CERTIFIED
TO BE DULY ADOPTED:**

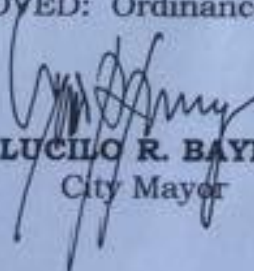

ROGELIO M. CASTRO
City Councilor

Temporary Presiding Officer


SAN/JDA/AJDC/stm

APPROVED: Ordinance No. 657 on _____

JUN 19 2015


LUCILO R. BAYRON
City Mayor

ATTESTED:


ATTY. ELENA VERGARA-RODRIGUEZ
City Administrator

"TO GOD BE THE GLORY"

