



ORDINANCE PROHIBITING ANY ACTS OF DISCRIMINATION WITHIN THE CITY OF ANGELES ON THE BASIS OF SEXUAL ORIENTATION, GENDER, DISABILITY, AGE, HEALTH STATUS, RELIGION, RACE AND NATIONALITY. (PO-693-08-12)

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 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. Furthermore, Article III, Section of the Constitution guarantees that “no person shall any person be denied the equal protection of the law;

Whereas, the Philippines is party to several international agreements such as the Universal Declaration of Human Rights (UDHR), International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of all Forms of Racial Discrimination (CERD), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention Against Torture (CAT), the Convention on the Rights of the Child (CRoC), the International Convention on the Protection of the Right of All Migrant Workers and Members of Their Families (ICPRMW) and the Convention on the Rights of Persons with Disabilities (CRPD) that seek to eliminate all forms of discrimination and abuse;

Whereas, as citizens living in a democratic society, all persons must be given the equality of access and opportunity in all fields of human endeavor and to equitable sharing of social and economic benefits by promoting them to freely exercise the rights to which they are rightfully entitled and away from any prejudice and discrimination;

Whereas, promoting and upholding their rights will not only enhance their freedom, welfare, and dignity as humans, but will also promote social justice as a whole and will contribute in the creation of a human rights culture in the country;

Whereas, stigma of discrimination is still very much prevalent specially with persons with disability, senior citizens, children, youth, People Living with HIV, women, lesbians, gay, bisexuals transgender (LGBT), people with different spiritual faith and indigenous persons;

Now, Therefore, Be it ordained by the Sangguniang Panlungsod of Angeles City in session assembled:

Section 1. Title. This Act shall be known as the “Anti-Discrimination Ordinance of Angeles 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. Likewise, it is the policy of the City Government of Angeles to promote equality and actively eliminate all forms of discrimination that violate and offend the equal protection of Human Rights as stated in the country’s signed international conventions and obligations, and other existing laws,

particularly such practices defined herein.

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 reference to ageism where one is discriminated on the basis of age;
- b. **Bisexuality** the context of human attraction to denote romantic or sexual feelings toward men and women.
- c. **Disability** refers to an individual with: 1) a physical or mental impairment that substantially limits one or more psychological, physiological or anatomical function of an individual or activities of such individual; 2) a record of such impairment, or 3) being regarded as having such impairment;
- d. **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, race or ethnicity whether actual or perceived and which has the purpose or effect of nullifying or impairing the recognition, enjoyment, or exercise by all persons of an equal footing of all rights and freedoms.
- e. **Ethnicity** refers to the characteristic of a person or group of persons sharing a common and distinctive racial, national, religious, linguistic or cultural heritage;
- f. **Gender Identity** denotes that 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.
- g. **Health Status** refers to the level of health of an individual, group or population as subjectively assessed by the individual or by more objective measures. In particular, HIV status of one person and other stigmatized health conditions.
- h. **Heterosexuality** is romantic attraction, sexual attraction or behavior between persons of opposite sex or gender in the gender binary;
- i. **Homosexuality** is romantic attraction, sexual attraction or sexual activity between members of the same sex or gender;
- j. **Nationality** is the legal relationship between an individual human and a Nation/State;
- k. **Race** is a classification system used to categorize humans into large and distinct populations or groups by anatomical, cultural, ethnic, genetic, geographical, historical, linguistic, religious, or social affiliation.;
- l. **Religion** refers to a set of beliefs concerning the cause, nature and purpose of the universe, especially when considered as the creation of a superhuman agency or agencies, usually involving devotional and ritual observances, and often containing a moral code governing the conduct of human affairs;

m. **Sexual Orientation** denotes the direction of emotional sexual attraction or conduct. This can be towards people of the same sex (homo sexual orientation) or towards people of both sexes (bisexual orientation) or towards people of the opposite sex (homosexual orientation). Sexual orientation is not equivalent to sexual behavior since this refers to feelings and self concept. Persons may or may not express their sexual orientation in their behaviors;

n. **Transgender** is a general term applied to a variety of individuals, behaviors, and groups involving tendencies to vary from culturally conventional gender roles.

Section 4. Prohibited Acts. It is hereby prohibited to discriminate any person and/or group of persons on the basis of their disability, age, health status, sexual orientation, gender identity, gender and sexual preferences, ethnicity and religion. It is unlawful for any person, natural or juridical, to:

a. Deny access to public programs and services of any person;

b. Include disability, age, health status, sexual orientation, gender identity, ethnicity and religion 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 of employment. This prohibition on the basis of sexual orientation and gender identity shall also include the contracting and engaging of services or juridical persons;

c. Refuse admission to or expel a person from educational institutions on the basis of disability, age, health status, sexual orientation, gender identity, ethnicity and religion, without prejudice to the right of educational institutions to determine the academic qualifications of their students;

d. Refuse or revoke the accreditation, formal recognition, and/or registration of any organization, group, institution or establishment, in educational institutions, workplace, communities, and similar settings, solely on the basis of the disability, age, health status, sexual orientation, gender identity, ethnicity and religion of their members or of their target constituencies;

e. Deny a person's access to medical and other health services and as well as health insurances and other related benefits as provided for under the law on the basis of disability, age, health status, sexual orientation, gender identity, ethnicity and religion.

f. Deny an application for or revoke a professional license issued by the government due to the applicant's disability, age, health status, sexual orientation, gender identity, ethnicity and religion

g. Deny a person access to and/or the use of private and public establishments, facilities, utilities, transportation or services, including housing, open to the general public on the basis of disability, age, health status, sexual orientation, gender identity, ethnicity and religion; There is a denial when: 1) a person is given inferior accommodations or services and 2) rejection of any application, entry and participation solely on the basis of disability, age, health status, sexual orientation, gender identity, ethnicity and religion;

h. Deny 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 the applicant's disability, age, health status, sexual orientation, gender identity, ethnicity and religion, as provided by existing laws;

i. Subject or force any person to any medical or psychological examination without the expressed approval of the person involved on the basis of perceived disability, age, health status, sexual orientation, gender identity and ethnicity, except in cases where the person involved is a minor under age of discernment in which case prior approval of the appropriate Family Court shall be required. In the latter case, the child shall be represented in the proceedings by the Solicitor General or the latter's authorized representative.

j. Deny a person to accept entry in any business establishment on the basis of perceived disability, age, health status, sexual orientation, gender identity and ethnicity, regardless of the nationality of the owners/operators of such establishments; For this purpose it is prohibited for any entity or business establishment with billboards, sign ages and all forms of printed advertisements done in foreign characters or inscription if not accompanied by the corresponding English translation with the same size as that of the foreign inscription.

k. Harassment by members of institutions involved in the enforcement of law and the protection of rights, such as the Philippine National Police (PNP) and the Armed Forces of the Philippines (AFP) of any person on the basis of his or her sexual orientation or gender identity; Among other cases, harassment occurs when a person is arrested or otherwise placed in the custody of the government institution, physically or verbally abused regardless of such arrest has legal or factual basis. Harassment of juridical persons on the basis of the sexual orientation or gender identity, disability, age, health status, ethnicity and religion of their members, stockholders, benefactors, clients or patrons is likewise covered by this provision.

l. Other analogous circumstances, such as the use of public restrooms, wherein persons with disabilities and transgender can use comfort rooms with rainbow signs. The transgender has the option to use female comfort rooms.

Section 4.1. Exemptions. Business operators are exempted in complying with this ordinance when by reasons the nature of operations they have set up standards pertaining to dress codes, age limitation and other reasonable standards relevant to the nature of their business operations.

Section 5. Anti-Discrimination Programs. The Angeles City Government shall ensure that stigma and discrimination are addressed and stopped through the following programs:

a. Discrimination and Stigma Reduction Program. Fund shall be allocated for the capacity building and education program that shall address to reduce stigma and eliminate discrimination within public and private institutions, establishments, organizations and communities.

b. Access to Scholarships, Skills, Employment and Livelihood Opportunities. The City Government shall ensure that all persons shall have equal access to scholarships, skills, trainings, employment, livelihood opportunities and microfinance opportunities and ensure equitable access to persons who by reason of disability, age, health status, sexual orientation, gender identity, ethnicity and religion are stigmatized.

c. Access to Legal Representation. The City Government shall facilitate victims of stigma and discrimination are afforded legal representation when documenting and filing cases as well as during the duration of the case.

d. Policy Review. The City Government shall ensure that all policies - resolutions, ordinances, codes and other policy documents are free from discriminatory statements and provisions and amend those provisions that shall be deemed discriminatory and those that advocate stigma and stereotypes.

Section 6. Implementing Agency. The Angeles City Government through the Gender and Development Office in partnership with the City Social Welfare and Development Office shall implement the programs stipulated in Section 6 of this ordinance. Any complaint filed shall first be lodged in the barangay concerned provided both parties are living on the same barangay, otherwise the case shall be filed in court for appropriate action.

Section 7. Penalty. Any person found violating the provisions of this ordinance shall be penalized as follows:

7.1. Individuals. Fine of not less than One Thousand Pesos (Php1,000.00) but not to exceed Five Thousand Pesos (Php5,000.00) plus imprisonment of not less than sixty (60) days but not to exceed one (1) year;

7.2. Business Establishments.

a. First Offense: Fine of not less than Php1,000.00 not to exceed Php3,000.00

b. Second Offense: Fine of Php3,000.00 not to exceed Php5,000.00 and warning on the establishment)

c. Third Offense: Imprisonment of the Operation Manager and immediate supervisor of not less than sixty (60) days but not to exceed One (1) Year and closure of the establishment.

Section 8, Separability Clause. - If any provision of this Ordinance is declared unconstitutional or otherwise invalid, the validity of the other provisions shall not be affected thereby.

Section 9. Repealing Clause. All ordinances, orders, rules and regulations or parts thereof inconsistent with this Ordinance are hereby repealed or modified accordingly.

Section 10. Effectivity. This Ordinance shall take effect fifteen (15) days after its publication in a newspaper of local circulation.

Sponsored by Councilors Maricel G. Morales, Edgardo D. Pamintuan, Jr., Alexander P. Indiongco and Jericho G. Aguas