



Republic of the Philippines
Province of Cavite
OFFICE OF THE SANGGUNIANG PANLALAWIGAN
Trece Martires City



EXCERPTS FROM THE MINUTES OF THE 29th REGULAR SESSION OF THE SANGGUNIANG PANLALAWIGAN OF CAVITE HELD ON FEBRUARY 3, 2014 AT THE SESSION HALL, LEGISLATIVE BUILDING, TRECE MARTIRES CITY

PRESENT:

Hon. Ramon Jolo B. Revilla III	Vice Governor/Presiding Officer
Hon. Edralin G. Gawaran	Majority Floor Leader
Hon. Raul Rex D. Mangubat	Pro-Tempore
Hon. Dino Carlo R. Chua	Board Member, 1 st District
Hon. Ryan R. Enriquez	Board Member, 1 st District
Hon. Arnel M. Cantimbahan	Board Member, 3 rd District
Hon. Larry Boy S. Nato	Board Member, 3 rd District
Hon. Teofilo B. Lara	Board Member, 4 th District
Hon. Ives Jayne A. Reyes	Board Member, 5 th District
Hon. Felix A. Grepo	Board Member, 6 th District
Hon. Hermogenes C. Arayata III	Board Member, 6 th District
Hon. Irene P. Bencito	Board Member, 7 th District
Hon. Eileen R. Beratio	Board Member, 7 th District
Hon. Mark Joseph T. Mupas	CCL President
Hon. Conrado A. Viado	Liga ng mga Brgy. Prov'l. Chapter President

OFFICIAL BUSINESS:

Hon. Marcos C. Amutan	Board Member, 5 th District
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ABSENT:

Hon. Rolando S. Remulla	Board Member, 2 nd District
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PROVINCIAL ORDINANCE NO. 054

AN ORDINANCE PROHIBITING CONDUCT OF DISCRIMINATION BASED ON GENDER, PHYSICAL DISABILITY, SEXUAL ORIENTATION, AND RELIGIOUS AFFILIATION AND PENALIZING THE SAME

Sponsored by: Hon. Eileen R. Beratio
Co-Sponsored by: All Sangguniang Panlalawigan Members

WHEREAS, ARTICLE III, Sec. 1, of the Bill of Rights of the 1987 Philippine Constitution provides for the equal treatment of all individuals, therefore, the State is mandated to protect its citizens against all forms of discriminatory acts in order to promote equal protection and eliminate stereotypes and prejudices;

WHEREAS, Article XIII, Section 1, Paragraph 1 of 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, the Philippines is a state party to several international agreements such as the Universal Declaration of Human Rights, International Convention on the Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights, that seek to eliminate all forms of discrimination and abuse;

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WHEREAS, the Constitution likewise provides that the Philippines adopts the generally accepted principles of International law as part of the law of the land (ARTICLE II, Sec. 2). Under the International Covenants on Economic, Social and Cultural Rights, as well as on Civil and Political Rights, state parties like the Philippines should guarantee and ensure respect for the rights of individuals, without discrimination of any kind as to gender, sexual orientation, race and religious affiliation and to adopt such legislative or other measures as may be necessary to give effect to those rights;

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, Senator Loren Legarda et. al. of the 16th Congress, introduced Senate Bill No. 2814, "An Act Prohibiting Ethnic, Racial or Religious Profiling as Well as Discrimination Against Persons on Account of Ethnic or Racial Origin and/or Religious Affiliation or Belief"; and then Congressman Sonny M. Angara of the 15th Congress introduced House Bill No. 647, "An Act Prohibiting Discrimination Against Persons on Account of Ethnic Origin and/or Religious Belief";

WHEREAS, it is therefore the intent of this ordinance to prohibit discrimination against people of different gender, physical disability, sexual orientation, and religious affiliation or beliefs, by ensuring equal treatment for all individuals, to foster peace in the province of Cavite;

NOW THEREFORE, on motion of Hon. Eileen R. Beratio, duly seconded by Hon. Raul Rex D Mangubat, and all the Members present, be it enacted by the Sangguniang Panlalawigan of Cavite in session duly assembled that:

SECTION 1 SHORT TITLE. This ordinance shall be known as "Anti-Discrimination Ordinance of the Province of Cavite."

SECTION 2. DECLARATION OF POLICY. It is hereby declared the policy of the Provincial Government to:

- a) Maintain peace and order, protect life, liberty and property, and promote the general welfare for the enjoyment by all people the blessings of democracy;
- b) Promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide adequate social services, promote full employment, a rising standard of living and an improved quality of life for all regardless of gender, physical disability, sexual orientation and religious affiliation;

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- c) Give the highest priority to the enactment of measures that protect and enhance the right of all people to human dignity, reduce social, economic, and political inequalities, and remove cultural inequities by equitably diffusing wealth and political power for the common good; and
- d) Value the dignity of every person and to guarantee full respect for human rights.

SECTION 3. DEFINITION OF TERMS. For purposes of this Ordinance, the following terms are defined:

Discrimination – refers to any act, or conduct which withholds, excludes, restricts, curtails, demeans human dignity, or otherwise impairs the recognition, enjoyment and exercise of human rights and basic freedom in the economic, labor, social, cultural, educational or any other field of public life based on gender, physical disability, sexual orientation and religious affiliation.

Gender – refers to sexual category, sexual characteristics

Sexual Orientation – refers to the emotional or sexual attraction or inclination of a person towards persons of his/her own sex, or both masculine and feminine sexes

Prejudice – refers to preconceived judgment or opinion without sufficient grounds

Stereotype – refers to standardize unfair belief that all people with particular characteristic are the same

Physical disability - pertains to **total** or **partial loss** of a person's bodily functions (e.g. walking, gross motor skills, bladder control, etc.) and **total** or **partial loss** of a part of the body (e.g. a person with an amputation)

Education – refers to all types and levels of education and includes access to education and the conditions under which it is given

Employment – pertains to the existence of an employer-employee relationship, which is determined by the four-fold test:

- 1) selection of employee
- 2) payment of wages
- 3) power of dismissal
- 4) power of control

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This definition shall apply to regular, provisional, contractual, seasonal and project based workers. In legitimate contracting or subcontracting arrangements the contractor/subcontractor shall be deemed the employer of contractual employees

Racial profiling – means the practice of relying to any degree on race and religious affiliation in selecting individuals to subject to routine or spontaneous investigatory activities

Religious belief – includes the freedom of thoughts, conscience and religion, including the freedom to change one’s religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance

Goods and services – includes but shall not be limited to establishments supplying physical goods and services such as restaurant, resorts, hotel, clubs and shopping malls as well as those providing cleaning, repair, maintenance, construction, financial, health transportation and public utility services

Accommodation – refers to a room, group of rooms, or building in which someone may live or stay

SECTION 4. ACTS OF DISCRIMINATION - Discrimination is committed when a person treats another person less favorably than the others based on gender, physical disability, sexual orientation and religious affiliation.

1. **Discrimination in Employment** is committed by refusing employment to a job applicant or imposing onerous or additional terms or condition which are not imposed on another similarly situated; by denying or limiting access of an employee to opportunities for promotion, transfer, training, schooling or to any other benefit which are otherwise granted to other employees on the basis of gender, physical disability, sexual orientation and religious affiliation.

2. **Discrimination in Education** is committed by refusing or failing to accept any person for admission as a student in any public or private educational 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 said educational institution, by reason of gender, physical disability, sexual orientation, and religious affiliation

3. **Discrimination in the Delivery of Goods and Services** is committed to a person by refusing to provide goods or services and/or by 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

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- 3. **Discrimination in Accommodation** is committed by refusing or failing to allow any person, to avail of quarters or accommodation in a house, apartment, condominium, townhouse, flat, hotel, inn, dormitory, or any other places of dwelling being rented out or offered to the public for a fee, rental or other forms of compensation or by refusing entry into restaurants, bars, stores, movie houses, malls and other places of entertainment and businesses which are open to the general public on account of his gender, physical disability, sexual orientation and religious affiliation.
- 4. To subject a person to unnecessary, unjustified, illegal and degrading search or any act which has the purpose of impairing recognition and enjoyment or exercise of human rights on the same ground previously mentioned.

SECTION 5. PERSONS LIABLE - Any person, natural or juridical, who commits any of the acts herein prohibited and enumerated in the immediately preceding section shall be 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 be principally accountable and responsible.

SECTION 6. PENALTIES- Except for violations of 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, involving rights of children of Indigenous Communities which are punishable under said act, the following penalties for violation of any provisions of this Ordinance are hereby imposed as follows:

- 1. On first conviction, any person liable under this Ordinance shall be punished by admonition and a fine of Five Thousand Pesos (P5,000.00);
- 2. On second conviction, for any of the acts punishable under this ordinance, shall be penalized by a fine of Five Thousand Pesos (P5,000.00) and imprisonment for a period of **one (1) month**;
- 3. On third conviction or any conviction after two (2) previous convictions, shall be penalized by a fine of Five Thousand Pesos (P5,000.00) and imprisonment of **six (6) months**.

Fifty percent (50%) of the fines collected shall be given to the Provincial Government and fifty percent (50%) shall be given to municipality wherein the violation took place.

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SECTION 7. ANTI-DISCRIMINATION MEDIATION AND CONCILIATION BOARD - There is hereby created the Anti-Discrimination Mediation and Conciliation Board, otherwise known as the Board, composed of the following, namely:

1. Provincial 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 Human Rights of the Sangguniang Panlalawigan or his/her duly authorized permanent representative
4. Chairperson of the Committee on Industrial Peace, Labor and Employment of the Sangguniang Panlalawigan or his/her duly authorized permanent representative
5. Chairperson of the Committee on Education 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 Provincial Employment and Service Office or his/her duly authorized permanent representative
8. President of the Cavite Chamber of Commerce and Industry or his/her duly authorized permanent representative
9. Chairperson of the Committee on Women, Family, Elderly and Social Services or his/her duly authorized permanent representative
10. President, Liga ng Mga Barangay Federation or his/her duly authorized permanent representative
11. Provincial Director, Department of the Interior and Local Government or his/her duly authorized permanent representative
12. President, Cavite Councilor's League or his/her duly authorized permanent representative
13. President, Sectoral representatives or his/her duly authorized permanent representative

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SECTION 8. 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. The presence of majority of its voting members shall constitute a quorum and the presence of the quorum in a meeting shall be required to exercise its powers and perform its functions.

SECTION 9. 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 and proper for judicial, quasi-judicial, prosecutorial or administrative determination.

SECTION 10. IMPLEMENTING RULES AND REGULATIONS - Within sixty (60) days from the approval of this Ordinance, the Provincial Legal Officer shall promulgate the Implementing Rules and Regulations, which shall govern the Mediation and Conciliation Proceedings from filing of the complaint up to the issuance of the certificate mentioned in the immediately preceding section, and shall be submitted to the Sangguniang Panlalawigan for approval.

SECTION 11. INFORMATION CAMPAIGN - Within thirty (30) days from the approval of this Ordinance, the Provincial Information Office shall conduct an information campaign to apprise the public of the provisions of this ordinance.

SECTION 12. SEPARABILITY CLAUSE - If any portion or provision of this Ordinance is declared void or unconstitutional, the remaining portions thereof shall not be affected thereby and shall remain in full force and effect.

SECTION 13. REPEALING CLAUSE - All ordinances, rules, and regulations inconsistent with this Ordinance are hereby repealed and/or modified accordingly.

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SECTION 14. EFFECTIVITY CLAUSE - This Ordinance shall take effect ten (10) days after its publication in a local newspaper of general circulation in the province and its posting in the Bulletin Board of the Sangguniang Panlalawigan Office and in two (2) other conspicuous places in the province, whichever comes later, either the publication or the posting.

UNANIMOUSLY APPROVED.

I hereby certify to the correctness of the foregoing ordinance duly adopted by the Sangguniang Panlalawigan of Cavite during its 29th Regular Session on February 3, 2014.

Michelle D. Alcido
MICHELLE D. ALCIDO
 Provincial Board Secretary

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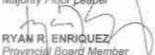


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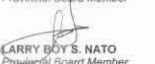


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EDRALIN G. GAWARAN
Majority Floor Leader



RYAN R. ENRIQUEZ
Provincial Board Member



ARNEL M. CANTIMBUHAN
Provincial Board Member



LARRY BOY S. NATO
Provincial Board Member

(OB)
MARCOS C. AMUTAN
Provincial Board Member


FELIX A. GREPO
Provincial Board Member



IRENE P. BENCITO
Provincial Board Member



MARK JOSEPH T. MUPAS
CCL President


RAUL REX D. MANGUBAT
Pro-Tempore



DINO CARLO R. CHUA
Provincial Board Member


(Absent)
ROLANDO S. REMULLA
Provincial Board Member


TEO FILO B. LARA
Provincial Board Member



IVEY JAYNE A. REYES
Provincial Board Member


HERMOGENES C. ARAYATA III
Provincial Board Member


EILEEN R. BERATIO
Provincial Board Member


CONRADO A. VIADO
Liga ng mga Barangay President

ATTESTED:


RAMON JOSE B. REVILLA III
Vice Governor/Presiding Officer

APPROVED:


JUANITO VICTOR C. REMULLA JR.
Provincial Governor