

Republika Ng Pilipinas
Lungsod Ng Dagupan
TANGGAPAN NG SANGGUNIANG PANLUNGSOD
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***EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG PANLUNGSOD,
DAGUPAN CITY, HELD AT THE SESSION HALL ON JUNE 21, 2010.***

PRESENT:

Hon. Farah Marie G. Decano	Acting Vice Mayor , Presiding Officer
Hon. Jesus Canto	Majority Floor Leader, Member
Hon. Ma. Librada Fe M. Reyna	Asst. Majority Floor Leader, Member
Hon. Karlos Liberato E. Reyna	Minority Floor Leader, Member
Hon. Alipio Serafin D. Fernandez	City Councilor, Member
Hon. Danilo C. Torio	City Councilor, Member
Hon. Jose Netu M. Tamayo	City Councilor, Member
Hon. Luis M. Samson Jr	City Councilor, member
Hon. Alfredo U. Quinto	City Councilor, Member
Hon. Marcelino D. Fernandez	Liga ng mga Barangay President, Ex-Officio Member
Hon. Carlo Alipio Serafin T. Fernandez	Pederasyon ng mga Sangguniang Kabataan President, Ex-Officio Member

ABSENT:

Hon. Belen T. Fernandez	Vice Mayor (O.B. United States)
Hon. Michael B. Fernandez	Presiding Officer, Pro Tempore (O.B. Philippine Councilors' League)

ORDINANCE NO. 1953-2010

FURTHER PROMOTING GENDER EQUALITY IN THE CITY OF DAGUPAN

Explanatory Note

Gender equality is one basic human right which the Dagupan City aims to promote thru this ordinance. This measure seeks to eliminate barriers to the full development of individuals especially those who have been marginalized because of their sex, gender and sexual orientation. This law also grants them relief.

On joint motion of Councilors Maria Librada Fe M. Reyna and Councilor Jose Netu Tamayo duly seconded by Councilors Carlo Alipio Serafin D. Fernandez, and Marcelino D. Fernandez , be it ordained by the Sangguniang Panlungsod of the City of Dagupan in regular assembled that -

Gender Equality Ordinance

Author : Councilor Farah Marie G. Decano
Sponsor: Councilor Maria Librada Fe M. Reyna

Article I
Principles and Policies

SECTION 1. Short Title. This Ordinance shall be known as, “FURTHER PROMOTING GENDER EQUALITY IN THE CITY OF DAGUPAN” or in short, “Gender Equality” ordinance.

SECTION 2. Declaration of Principles.

- A) The City affirms the worth and dignity of women and men as human beings;
- B) The City therefore upholds the rights of women and men as human rights;
- C) The City adheres to the basic principles of human rights, equality, equity and equal access to resources and to development as so declared under the 1987 constitution, various national laws and several international laws, conventions and documents.

SECTION 3. Principles of Human Rights. All human beings are free and equal in dignity and rights. Human rights are characterized by universality, inalienability, indivisibility and interdependence. No one, therefore, should suffer discrimination on the basis of ethnicity, gender, age, language, sexual orientation, race, color, religion, political, or other opinion, national, social, or geographical origin, disability, property, birth, or other status.

SECTION 4. Declaration of Policies. Guided by the foregoing principles, the Local Government of Dagupan shall:

- A) Respect, protect, fulfill and promote all human rights and fundamental freedom of women and men regardless of sex, gender, sexual orientation;
- B) Promote the empowerment of individuals and pursue equal opportunities for women and men, regardless of sex, gender and sexual orientation and ensure equal access to resources, and to development results and outcome;
- C) Eliminate discriminations against those who have been marginalized because of their sex, gender and sexual orientation;
- D) Endeavor to develop plans, policies, programs, measures, and mechanisms to address discrimination and inequality in the economic, political, social, and cultural life of women and men;
- E) Provide the necessary mechanisms to promote gender equality and undertake all legal measures necessary to foster and promote the equal opportunity for women and men, regardless of sex, gender and sexual orientation, to participate in and contribute to the development of the political, economic, social, and cultural realms;

ARTICLE II
Definition of Terms

SECTION 5. Definitions. For purposes of this ordinance, the following terms are defined as follows:

- A) Women : are persons who are biologically female;
- B) Men : are persons who are biologically male;
- C) Gender : is a socially constructed difference between men and women. Differences are created artificially, partly through socialization and partly through positive and negative discrimination in the various institutions and structures of society;
- D) Gender equality : A human right that demands of a social order providing for equal treatment of men and women, regardless of sex, gender and sexual orientation; and equal opportunities for their full development without any discrimination.
- E) Gender-based : With regard to sex, gender and sexual orientation;
- F) Gender- based discrimination : any unequal treatment, unreasonable classification, exclusion or restriction due to one's sex, gender and sexual orientation which results to the impairment or nullification of the recognition, enjoyment, or exercise of human rights and fundamental freedoms in the political, economic, social, cultural, civil, or any other field.
- G) Sexual orientation : direction of one's sexual interest on the opposite sex, same, or both sexes such as heterosexuality, homosexuality (Lesbians and Gays) and bisexuality;

ARTICLE III
Dignity And Equality

SECTION 6. Right to Dignity. As human beings, women and men, regardless of their sex, gender and sexual orientation have a right to dignity.

SECTION 7. Right to Equality. As human beings, women and men, regardless of their sex, gender and sexual orientation are entitled to equality of treatment.

SECTION 8. Gender-Based Violations Against Dignity. The following are considered as gender-based contemptuous acts committed against individuals resulting in or through disregard of their right to respect, privacy and dignity:

- A) Maliciously humiliating in public an individual due to his/her gender or sexual orientation and/or civil status whether said, done or written in a comical or serious manner;
- B) Maliciously inflicting physical harm on the individual due to his/her sexual orientation;
- C) Vexing, harassing, threatening the individual, either physically, verbally or in writing about his gender or sexual orientation;
- D) Continuously subjecting the individual to jokes, pranks, humor due to his/her gender or sexual orientation whether said, done or written, despite demand to discontinue;

The foregoing acts in paragraphs A and B shall be punishable by 6 months imprisonment and/or a fine of five thousand pesos, while the acts described in paragraphs C and D shall be punishable by 3 months imprisonment and/or a fine of three thousand pesos.

Section 9. Gender-Based Discrimination . The following are considered gender-based discrimination in this ordinance:

- A) Labor and employment – No person shall be dismissed from work because of one’s sex, gender and sexual orientation; Further, no person shall receive a different salary or wage or compensation benefits solely on the bases of sex, gender and sexual orientation.
- B) Access to government resources – No person shall be denied access to government assistance, resources and information due to his/her sex, gender and sexual orientation.
- C) Access to economic opportunities –No person shall be denied access to capability building and economic opportunities due to his sex, gender and sexual orientation.
- D) Access to consultative and other political processes – No person shall be denied his/her right to participation, express his/her opinion on a public issue and/ or be denied his/her involvement in any political process due to his or her sex, gender and sexual orientation.

Any violation of the foregoing shall be punishable by six months of imprisonment and/ or five thousand pesos. Should a corporation or its branch be sued, the president, the immediate manager and/ or supervisor/ department head shall be held liable with the erring employee.

ARTICLE IV
Promotion of Gender Equality

Gender Equality Ordinance

Author : Councilor Farah Marie G. Decano

Sponsor: Councilor Maria Librada Fe M. Reyna

Section 10. Trainings, Seminars and Other Projects The City of Dagupan thru its Gender and Development Council or its secretariat, the Gender and Development Office, shall sponsor trainings, seminars and other projects that promote gender equality and sensitivity.

Section 11. Information, Education, Campaign. The City of Dagupan thru its Gender and Development Council or its secretariat, the Gender and Development Office, shall undertake information dissemination activities in order to raise the awareness on and sensitivity of the public to gender issues.

Section 12. Associations. The City of Dagupan shall encourage the establishment of associations of individuals of various sex, gender and sexual orientation with the end that they become partners with the local government towards progress and development.

Section 13. Assistance to Associations. Subject to usual accounting rules and audit procedures, said associations may receive assistance from the City for its various gender equality promotion projects provided that the same is in accord with the City's GAD PLAN.

ARTICLE V Final Provisions

Section 14. Appropriations. The amount of Five Hundred Thousand Pesos (P500,000.00) shall be taken from the general fund annually for the implementation of this measure. This budget should be over and above the 5% Gender And Development(GAD) Budget.

Section 15. Implementing Rules and Regulations. The City Legal Office shall promulgate the rules and regulations pursuant to this ordinance.

Section 16. Separability Clause. If any of the provisions of this ordinance is declared invalid, the other provisions not affected shall remain in full force and effect.

Section 17. Repealing Clause. All ordinance provisions inconsistent with this measure is hereby repealed.

Section 18. Effectivity. This ordinance shall take effect after fifteen days following its complete publication in a newspaper of general circulation.

ENACTED UNANIMOUSLY.

Councilor Farah Marie Gonzalez Decano
Author

Councilor Maria Librada Fe Manaois. Reyna
Sponsor

FARAH MARIE G. DECANO
Acting Vice Mayor and Presiding Officer

Attested:

Jorge Estrada
Secretary

Approved:

ALIPIO F. FERNANDEZ JR
City Mayor