



Republic of the Philippines
SANGGUNIANG PANLUNGSOD
City Government of Pasig

Ordinance No. 4
Series of 2022

AN ORDINANCE PROHIBITING ANY PERSON FROM COMMITTING ANY ACT OF DISCRIMINATION AGAINST A PERSON BASED ON SEXUAL ORIENTATION AND GENDER IDENTITY AND EXPRESSION, PROVIDING IMPLEMENTATION MECHANISMS AND PENALTIES THEREFORE.

Authorized by: Councilor Rhichie Gerard T. Brown
Co- Authorized by: Councilors Syvel C. Asilo, Ferdinand A. Avis, Regino S. Balderrama, Orlando R. Benito, Mario C. Concepcion, Jr., Rosalio D. Martires, Corazon M. Raymundo, Reynaldo R. San Buenaventura III, Gregorio P. Rupisan Jr., Editha C. Santiago, Wilfredo F. Sityar, LIGA Pres. Rigor J. Enriquez and SK Fed. President Georgia Lynne P. Clemente

WHEREAS, under Article II, Section 11 of 1987 Philippine Constitution states the State values the dignity of every person and guaranties full respect of human rights;

WHEREAS, under Article III, Sections 1, 2, 4, 8, 12, the State guarantees every person the right to life, security of person and privacy, the right to be free from torture, arbitrary arrest and detention, the right to be free from discrimination and the right to freedom of expression, and the right to organize associations;

WHEREAS, under Article XIII, Section 1 of 1987 Philippine Constitution, that highest priority shall be given to the enactment of measures that protect and enhance the right of all the people to human dignity, reduce social, economic, and political inequalities, and remove cultural inequities;

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, 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;



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Am/Ann
WHEREAS, lesbian, gay, bisexual and transgender (LGBTQ+) persons are targets of physical and verbal assaults that affect their economic, cultural, social, health and 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 (LGBTQ+) persons face due to homophobia, transphobia and machismo;

by
Commissioner
WHEREAS, lesbian, gay, bisexual and transgender (LGBTQ+) persons in the Philippines continue to experience stigma, prejudice and discrimination. This stigma is manifested in actions such as: bullying, teasing and harassment of lesbian, gay, bisexual and transgender (LGBTQ+) 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 (LGBTQ+) Filipinos into particularly limited roles and occupations; or curtailing their rights to participate in political sphere;

Commissioner
WHEREAS, Section 16 of Republic Act No. 7160 otherwise known as Local Government Code of 1991 provides that, every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare;

Commissioner
WHEREAS, Section 18 of Republic Act No. 7160 otherwise known as Local Government Code of 1991 provides that, the Local government units shall have the power and authority to establish an organization that shall be responsible for the efficient and effective implementation of their development plans, program objectives and priorities;, to apply their resources and assets for productive, developmental, or welfare purposes, in the exercise or furtherance of their governmental or proprietary powers and functions and thereby ensure their development into self-reliant communities and active participants in the attainment of national goals.

Commissioner
SECTION 1. SHORT TITLE. The LGBTQ+ Comprehensive Anti-Discrimination Ordinance of Pasig 2022.

Commissioner
SECTION 2. DECLARATION OF POLICY AND PRINCIPLES – It shall be the policy of the city government to ensure that all genders benefit equally and participate directly in the processes of the development programs and projects of the different departments/sectors and ensure the full participation and involvement of these gender groups in the development process following the provisions and principles upheld in various international commitments and national statutes/decrees where the Philippines is a signatory.

Commissioner
PASIG

UMAAGOS ANG PAG-ASA

Commissioner

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It shall also uphold the rights of LGBTs to cultivate and strengthen their belief in and recognition of their worth as human beings as guaranteed in the Philippine Constitution and other relevant laws and pronouncements in the country. Any development endeavour that the city undertakes shall uphold their rights, enhance and harness their full potentials, uplift their status and lead to the improvement of the quality of their lives.

Pasig City is strongly against gender-based discrimination and shall pursue strong measures to prevent and deal with, in the strongest terms, acts of violence and discrimination against women, LGBTQ+ and children.

Towards the aforementioned objectives, the city government shall pursue and implement vigorously gender responsive development policies, design and integrate specific gender support systems, take into consideration LGBTQI+ right to economic survival, political participation, self-determination and personal empowerment, adopt and implement measures to protect and promote their rights, and ensure their widest participation from the sectors: local government, non-governmental organizations and civil society organizations and the private/business sectors in all phases of the development program cycle.

SECTION 3. DEFINITION OF TERMS – As used in this Ordinance the following are defined as:

- (a.) **ACCOMODATION** – as mentioned herein, includes a house, apartment, condominium, townhouse, flat, motel, boarding house, hotel, and dormitory, which are open to the general public usually for a fee. It shall also include the grant of license, clearance, certification or any other document issued by governmental authorities or other private or juridical entities;
- (b.) **CROSS DRESSING** – the act of wearing clothing and other accessories associated with the opposite sex dressing.
- (c.) **DISCRIMINATION** – any act which causes stigma, disgrace, shame, humiliation, harassment, or otherwise discriminating against a person based on sexual orientation, gender identity and expression (SOGIE) which has an effect or purpose of impairing or nullifying the recognition, enjoyment, fulfillment of a person's purpose;
- (d.) **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;



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- (e.) **EMPLOYMENT** – existence of an employer-employee relationship, which is determined by the five-fold test: 1) selection of the employee; 2) payment of wages; 3) grant of promotion; 4) power of dismissal; and 5) power of control. This definition shall apply to regular, probation, 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;
- (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.) **GENDER IDENTITY** – refers to a 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;
- (h.) **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;
- (i.) **HOMOPHOBIA** – an irrational fear or aversion or discrimination against homosexuality;
- (j.) **LGBTQ+** - refers to a diverse and complex range of identities based on sexual orientation, gender identity and expression (hereinafter, SOGIE) and are gender and sexuality non-conforming; includes but are not limited to lesbians, gays, bisexuals and transgenders;
- (j.1) **Lesbian** – a woman whose emotional, romantic and/or sexual energies are geared towards other women;
- (j.2) **Gay** – although all-encompassing to refer to all persons under LGBTQ+, it is mainly directed to men who are emotionally, romantically, and/or sexually attracted to men;



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(j.3) **Bisexual** – a person who is emotionally, romantically, and/or sexually attracted to both sexes;

(j.4) **Transgender** – is a person wherein the gender identity does not match that of the assigned sex at birth;

(k.) **MACHISMO** – a strong (exaggerated) sense of masculine pride

(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 based on actual or perceived sexual orientation, gender identity and expression (SOGIE);

(m.) **PUBLIC SPACES** – this is an encompassing term which refers to streets and alleys, public parks, schools, buildings, malls, bars, restaurants, transportation terminals, public markets, spaces used as evacuation centers, government offices, public utility vehicles as well as private vehicles covered by app-based transport, network services and other recreational spaces such as, but not limited to, cinema halls, theaters and spas; (There might be duplication with other areas identified in this ordinance).

(n.) **SEX** – is a human of a person acquired by birth having organ and system of reproduction;

(o.) **SEXUAL ORIENTATION** – refers to a person's capacity for profound emotional, affectional and sexual attraction to, and intimate and sexual relations with, individuals of different gender or the same gender or more than one gender;

(p.) **STALKING** – refers to conduct directed at a person involving the repeated visual or physical proximity, non-consensual communication, or a combination thereof that cause or will likely cause a person to fear for one's own safety or the safety of others, or to suffer emotional distress.

(q.) **TRANSPHOBIA** – irrational fear, or aversion to or discrimination against transgenders;

(r.) **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);



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SECTION 4. PROHIBITED ACTS/ ACTS OF DISCRIMINATION – Discrimination is committed when a person treats another less favorably based on one's 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 or person in charge of any work place in the territorial jurisdiction of Pasig City to discriminate against any person or group of persons based on 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 employees advancement, in all areas of public service, including all levels of government service and employment in Pasig City;
- (c.) Excluding membership in labor unions or similar organizations;
- (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 based on of actual or perceived sexual orientation, gender identity and expression (SOGIE);

2. **Discrimination in Education** – It shall be unlawful for an educational institution within the territorial jurisdiction of Pasig City, both public and private, along with institution's officers and employees, to discriminate against any 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 student;



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(c.) Denying or limiting the student's access to any benefit provided by the educational authority;

(d.) Expelling or subjecting the students to any penalty or any other detriment;

(e.) Refusing admission, denying acceptance or expelling or dismissing a student from academic, socio-civic organization and associations;

(f.) Subjecting any student to harassment, bullying or any threat of physical, mental and verbal violence, intimidation or other threatening disruptive behaviour committed by teachers, professors, trainers, administrators or by other students;

(g.) Absence of a gender inclusive and non-discriminatory school policy a year after the approval of this ordinance;

3. **Discrimination in the Delivery of Goods or Services** – It shall be unlawful for any person delivering goods or providing services, natural or juridical, whether as principal or agent, to discriminate against any person on the account of one's 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 pre-requisite 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 any person engaged in the business of providing accommodation in an apartment, condominium, townhouse, flat, hotel, inn, dormitory and any other places of dwelling in the territorial jurisdiction of Pasig City, natural or juridical, whether as principal or agent, to refuse or limit access to any benefit associated to accommodation, on account of one's actual or perceived sexual orientation, gender identity and expression (SOGIE) by;



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(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 for a fee;

(b.) Denying an application for license, clearance, certification, or any other document issued by governmental authorities or other private or juridical entities,

5. Any Public Place or Safe Space – Any person, natural or juridical, is hereby prohibited from committing any act of discrimination such as verbal, non-verbal ridicule, vilification, harassment and any unjust act (detention or involuntary confinement) committed in public places against any person regardless of motive for committing such actions or remarks;

6. 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 action;

(a.) Making fun or contemptuous imitating or making a 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;

7. Discrimination against Cross Dressing of LGBTs – It shall be unlawful to discriminate against an LGBTQ+ who dresses not in accordance with the society's traditional expectation. This ordinance views cross-dressing to indicate one's belief about belonging to another sex or is a form of gender expression.

8. 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);



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9. 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);

10. Any Other Analogous Act – It shall be unlawful to perform any act of discrimination or harassment based on actual or perceived sexual orientation, gender identity and express (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 5. ENSURING PROMPT, EFFECTIVE AND SURVIVOR-CENTERED RESPONSE TO GENDER-BASED VIOLENCE (GBV) DURING THE PANDEMIC AND OTHER EMERGENCIES – The City Government of Pasig shall ensure the functionality of its Gender-Based Violence (GBV) Referral Mechanisms during the ECQ/MECQ periods of the pandemic and other emergencies as well as period of early recovery, including ensuring the ability of Barangay VAWC desks, PNP Women's Desks, Pasig Social Welfare Office to respond to cases of GBV and discrimination and to assist complainants as incidence of GBV and discrimination occur; to ensure functionality and to avoid situations where frontliners are unable to respond to their COVID-related duties, designated focal persons for GBV and discrimination should remain in their duties as such despite on-going emergencies.

SECTION 6. GENDER-INCLUSIVE AND NEUTRAL COMFORT ROOMS. All establishments and public offices shall have gender inclusive and neutral comfort rooms or for any other facilities that require privacy such as urinary cubicles in medical and drug testing facilities and the like.

SECTION 7. INCORPORATION OF SEXUAL ORIENTATION, GENDER IDENTITY AND EXPRESSION (SOGIE) CONCERNS WITH THE FUNCTIONS OF THE EXISTING WOMEN'S/HUMAN RIGHTS DESK IN PASIG CITY POLICE/EASTERN POLICE DISTRICT. – The Pasig City Police/Eastern Police District is strongly encouraged to handle the specific concerns relating to sexual orientation through the existing Violence Against Women or VAWC/Human Rights Desk in all police sub-stations in Pasig City, in close coordination with Pasig City Protection Center.



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SECTION 8. 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 Pasig 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 with the following responsibilities:

- (a.) Develop a system to document and report cases of discrimination and violence against actual or perceived lesbian, gay, bisexual and transgender (LGBTQ+) persons, and provide assistance to 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 (LGBTQ+) persons
- (c.) Assist the victim in filing the appropriate complaint with the Pasig City Police/Eastern Police District or other law enforcement agencies;
- (d.) Ensure that all pertinent documents are forwarded to the Pasig City Police/Eastern Police District;

SECTION 9. CAPACITY-BUILDING OF RESPONSIBLE PERSONS/ OFFICIALS IN THIS ORDINANCE – The Gender and Development Office shall take progressive positive steps in capacitating all the persons and officials cited in this Ordinance in the technical and practical knowledge required for their herein-mentioned responsibilities.

SECTION 10. MECHANISM FOR THE IMPLEMENTATION OF THIS ORDINANCE. – For the purpose of this Ordinance, there shall be created a Pasig City PRIDE Council which will primarily perform oversight function for this ordinance. A companion ordinance to this effect shall be formulated and approved by the City Council within a month after the passage of this Ordinance.

SECTION 11. COMMEMORATION OF LGBTQ+ EVENTS – In support of the LGBTQ+ community, the Pasig City Government shall commemorate the annual celebration of the following:

- (a.) International Day against Homophobia and Transphobia (IDAHOT) on May 17;



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- (b.) Philippine Pride March in culmination of the celebration of the Pride Month on the third Saturday of June;
- (c.) Transgender Day of Remembrance on November 20;
- (d.) World AIDS Day on December 1; and
- (e.) Human Rights Day on December 10.

SECTION 12. APPROPRIATION. – For the effective implementation of this Ordinance, the City Government shall provide funds of up to 20% out of the five percent (5%) of the annual budget appropriated to finance the Gender and Development (GAD) plans, projects and programs;

SECTION 13. PERSON LIABLE. – Any person, natural or juridical, who commits any of prohibited acts herein, 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 criminally responsible;

SECTION 14. PENALTIES. – Any person held liable under this Ordinance shall be penalized with imprisonment for a period of not less than sixty (60) days but not more than one (1) year and/or a fine of not less than One Thousand Pesos (Php 1,000.00) but not to exceed Five Thousand Pesos (Php 5,000.00) or maybe both at the discretion of the Court and shall attend an SOGIE awareness seminar, without prejudice to any applicable criminal, civil, or administrative action that may be instituted under the provision of existing laws;

SECTION 15. 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 damage and other affirmative relief;

SECTION 16. IMPLEMENTING RULES AND REGULATIONS. – Within Sixty (60) days from the effectivity of this Ordinance, and the approval of the companion ordinance on the implementing mechanism, an appropriate body shall be defined which shall formulate, after thorough consultation with multi-sectoral groups and stakeholders, the implementing rules and regulations and guidelines of 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, LGBTQ+ non-government organizations, People's organization and Civic Society Organization;



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SECTION 17. 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.

APPROVED this 17th day of March 2022 in Pasig City, Metro Manila.

FERDINAND A. AVIS
Councilor

MARIO C. CONCEPCION, JR.
Councilor

GREGORIO P. RUPISAN JR.
Councilor

ORLANDO R. BENITO
Councilor

REYNALDO R. SAN BUENAVENTURA III
Councilor

SYVEL C. ASILO
Councilor

REGINO S. BALDERRAMA
Councilor

CORAZON M. RAYMUNDO
Councilor

EDITHA C. SANTIAGO
Councilor

WILFREDO F. SITYAR
Councilor

RIGOR J. HENRIQUEZ
LIGA President

GEORGIA LYNNE P. CLEMENTE
SK Fed. President

RICHIE GERARD T. BROWN
Councilor
Minority Floor Leader




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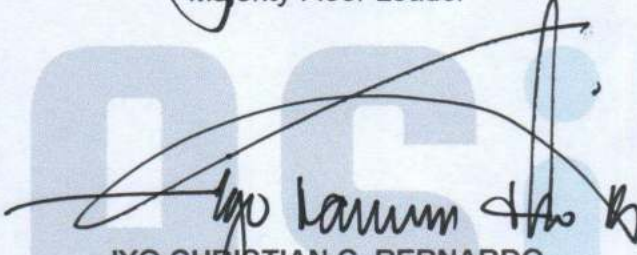
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ROSALIO D. MARTIRES
Councilor
Majority Floor Leader


Attested by:


IYO CHRISTIAN C. BERNARDO
City Vice-Mayor
Presiding Officer

APPROVED:


VICTOR MA. REGIS N. SOTTO
City Mayor

Attested by:


LOIDA U. VILLANUEVA
Acting City Council Secretary

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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, 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 (LGBTQ+) persons are targets of physical and verbal assaults that affect their economic, cultural, social, health and 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 (LGBTQ+) persons face due to homophobia, transphobia and machismo;

WHEREAS, lesbian, gay, bisexual and transgender (LGBTQ+) persons in the Philippines continue to experience stigma, prejudice and discrimination. This stigma is manifested in actions such as: bullying, teasing and harassment of lesbian, gay, bisexual and transgender (LGBTQ+) 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 (LGBTQ+) Filipinos into particularly limited roles and occupations; or curtailing their rights to participate in political sphere;

WHEREAS, Section 16 of Republic Act No. 7160 otherwise known as Local Government Code of 1991 provides that, every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare;

WHEREAS, Section 18 of Republic Act No. 7160 otherwise known as Local Government Code of 1991 provides that, the Local government units shall have the power and authority to establish an organization that shall be responsible for the efficient and effective implementation of their development plans, program objectives and priorities;, to apply their resources and assets for productive, developmental, or welfare purposes, in the exercise or furtherance of their governmental or proprietary powers and functions and thereby ensure their development into self-reliant communities and active participants in the attainment of national goals.

SECTION 1. SHORT TITLE. The LGBTQ+ Comprehensive Anti-Discrimination Ordinance of Pasig 2021.

SECTION 2. DECLARATION OF POLICY AND PRINCIPLES – It shall be the policy of the city government to ensure that all genders benefit equally and participate directly in the processes of the development programs and projects of the different departments/sectors and ensure the full participation and involvement of these gender groups in the development process following the provisions and principles upheld in various international commitments and national statutes/decrees where the Philippines is a signatory.

It shall also uphold the rights of LGBTs to cultivate and strengthen their belief in and recognition of their worth as human beings as guaranteed in the Philippine Constitution and other relevant laws and pronouncements in the country. Any development endeavour that the city undertakes shall uphold their rights, enhance and harness their full potentials, uplift their status and lead to the improvement of the quality of their lives.

Pasig City is strongly against gender-based discrimination and shall pursue strong measures to prevent and deal with, in the strongest terms, acts of violence and discrimination against women, LGBTQ+ and children.

Towards the aforementioned objectives , the city government shall pursue and implement vigorously gender responsive development policies, design and integrate specific gender support systems, take into consideration LGBTQI+ right to economic survival, political participation, self-determination and personal empowerment, adopt and implement measures to protect and promote their rights, and ensure their widest participation from the sectors: local government, non-governmental organizations and civil society organizations and the private/business sectors in all phases of the development program cycle.

SECTION 3. DEFINITION OF TERMS – As used in this Ordinance the following are defined as:

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

- (b.) **CROSS DRESSING** – the act of wearing clothing and other accessories associated with the opposite sex dressing.
- (c.) **DISCRIMINATION** – any act which causes stigma, disgrace, shame, humiliation, harassment, or otherwise discriminating against a person based on sexual orientation, gender identity and expression (SOGIE) which has an effect or purpose of impairing or nullifying the recognition, enjoyment, fulfillment of a person's purpose;
- (d.) **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;
- (e.) **EMPLOYMENT** – existence of an employer-employee relationship, which is determined by the five-fold test: 1) selection of the employee; 2) payment of wages; 3) grant of promotion, 4) power of dismissal; and 5) power of control. This definition shall apply to regular, probation, 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;
- (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.) **GENDER IDENTITY** – refers to a 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;
- (h.) **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;
- (i.) **HOMOPHOBIA** – an irrational fear or aversion or discrimination against homosexuality;
- (j.) **LGBTQ+** - refers to a diverse and complex range of identities based on sexual orientation, gender identity and expression (hereinafter, SOGIE) and are gender and sexuality non-conforming; includes but are not limited to lesbians, gays, bisexuals and transgenders;
 - (j.1) **Lesbian** – a woman whose emotional, romantic and/or sexual energies are geared towards other women;
 - (j.2) **Gay** – although all-encompassing to refer to all persons under LGBTQ+, it is mainly directed to men who are emotionally, romantically, and/or sexually attracted to men;
 - (j.3) **Bisexual** – a person who is emotionally, romantically, and/or sexually attracted to both sexes;

- (j.4) **Transgender** – is a person wherein the gender identity does not match that of the assigned sex at birth;
- (k.) **MACHISMO** – a strong (exaggerated) sense of masculine pride
- (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 based on actual or perceived sexual orientation, gender identity and expression (SOGIE);
- (m.) **PUBLIC SPACES** – this is an encompassing term which refers to streets and alleys, public parks, schools, buildings, malls, bars, restaurants, transportation terminals, public markets, spaces used as evacuation centers, government offices, public utility vehicles as well as private vehicles covered by app-based transport, network services and other recreational spaces such as, but not limited to, cinema halls, theaters and spas; (There might be duplication with other areas identified in this ordinance).
- (n.) **SEX** – is a human of a person acquired by birth having organ and system of reproduction;
- (o.) **SEXUAL ORIENTATION** – refers to a person's capacity for profound emotional, affectional and sexual attraction to, and intimate and sexual relations with, individuals of different gender or the same gender or more than one gender;
- (p.) **STALKING** – refers to conduct directed at a person involving the repeated visual or physical proximity, non-consensual communication, or a combination thereof that cause or will likely cause a person to fear for one's own safety or the safety of others, or to suffer emotional distress.
- (q.) **TRANSPHOBIA** – irrational fear, or aversion to or discrimination against transgenders;
- (r.) **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);

SECTION 4. PROHIBITED ACTS/ ACTS OF DISCRIMINATION – Discrimination is committed when a person treats another less favorably based on one's 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 or person in charge of any work place in the territorial jurisdiction of Pasig City to discriminate against any person or group of persons based on 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 employees advancement, in all areas of public service, including all levels of government service and employment in Pasig City;

(c.) Excluding membership in labor unions or similar organizations;

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

2. *Discrimination in Education* – It shall be unlawful for an educational institution within the territorial jurisdiction of Pasig City, both public and private, along with institution's officers and employees, to discriminate against any 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 student;

(c.) Denying or limiting the student's access to any benefit provided by the educational authority;

(d.) Expelling or subjecting the students to any penalty or any other detriment;

(e.) Refusing admission, denying acceptance or expelling or dismissing a student from academic, socio-civic organization and associations;

(f.) Subjecting any student to harassment, bullying or any threat of physical, mental and verbal violence, intimidation or other threatening disruptive behaviour committed by teachers, professors, trainers, administrators or by other students;

(g.) Absence of a gender inclusive and non-discriminatory school policy a year after the approval of this ordinance;

3. *Discrimination in the Delivery of Goods or Services* – It shall be unlawful for any person delivering goods or providing services, natural or juridical, whether as principal or agent, to discriminate against any person on the account of one's 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 pre-requisite 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 any person engaged in the business of providing accommodation in an apartment, condominium, townhouse, flat, hotel, inn, dormitory and any other places of dwelling in the territorial jurisdiction of Pasig City, natural or juridical, whether as principal or agent, to refuse or limit access to any benefit associated to accommodation, on account of one's 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 for a fee;

(b.) Denying an application for license, clearance, certification, or any other document issued by governmental authorities or other private or juridical entities,

5. ***Any Public Place or Safe Space*** – Any person, natural or juridical, is hereby prohibited from committing any act of discrimination such as verbal, non-verbal ridicule, vilification, harassment and any unjust act (detention or involuntary confinement) committed in public places against any person regardless of motive for committing such actions or remarks;

6. ***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 action;

(a.) Making fun or contemptuous imitating or making a 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;

7. ***Discrimination against Cross Dressing of LGBTs*** – It shall be unlawful to discriminate against an LGBTQ+ who dresses not in accordance with the society's traditional expectation. This ordinance views cross-dressing to indicate one's belief about belonging to another sex or is a form of gender expression.

8. ***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);

9. ***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);

10. ***Any Other Analogous Act*** – It shall be unlawful to perform any act of discrimination or harassment based on actual or perceived sexual orientation, gender identity and express (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 5. ENSURING PROMPT, EFFECTIVE AND SURVIVOR-CENTERED RESPONSE TO GENDER-BASED VIOLENCE (GBV) DURING THE PANDEMIC AND OTHER EMERGENCIES – The City Government of Pasig shall ensure the functionality of its Gender-Based Violence (GBV) Referral Mechanisms during the ECQ/MECQ periods of the pandemic and other emergencies as well as period of early recovery, including ensuring the ability of Barangay VAWC desks, PNP Women's Desks, Pasig Social Welfare Office to respond to cases of GBV and discrimination and to assist complainants as incidence of GBV and discrimination occur; to ensure functionality and to avoid situations where frontliners are unable to respond to their COVID-related duties, designated focal persons for GBV and discrimination should remain in their duties as such despite on-going emergencies.

SECTION 6. GENDER-INCLUSIVE AND NEUTRAL COMFORT ROOMS. All establishments and public offices shall have gender inclusive and neutral comfort rooms or for any other facilities that require privacy such as urinary cubicles in medical and drug testing facilities and the like.

SECTION 7. INCORPORATION OF SEXUAL ORIENTATION, GENDER IDENTITY AND EXPRESSION (SOGIE) CONCERNS WITH THE FUNCTIONS OF THE EXISTING WOMEN'S/HUMAN RIGHTS DESK IN PASIG CITY POLICE/EASTERN POLICE DISTRICT. – The Pasig City Police/Eastern Police District is strongly encouraged to handle the specific concerns relating to sexual orientation through the existing Violence Against Women or VAWC/Human Rights Desk in all police sub-stations in Pasig City, in close coordination with Pasig City Protection Center.

SECTION 8. 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 Pasig 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 with the following responsibilities:

- (a.) Develop a system to document and report cases of discrimination and violence against actual or perceived lesbian, gay, bisexual and transgender (LGBTQ+) persons, and provide assistance to 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 (LGBTQ+) persons
- (c.) Assist the victim in filing the appropriate complaint with the Pasig City Police/Eastern Police District or other law enforcement agencies;
- (d.) Ensure that all pertinent documents are forwarded to the Pasig City Police/Eastern Police District;

SECTION 9. CAPACITY-BUILDING OF RESPONSIBLE PERSONS/ OFFICIALS IN THIS ORDINANCE – The Gender and Development Office shall take progressive positive steps in capacitating all the persons and officials cited in this Ordinance in the technical and practical knowledge required for their herein-mentioned responsibilities.

SECTION 10. MECHANISM FOR THE IMPLEMENTATION OF THIS ORDINANCE. –

For the purpose of this Ordinance, there shall be created a Pasig City PRIDE Council which will primarily perform oversight function for this ordinance. A companion ordinance to this effect shall be formulated and approved by the City Council within a month after the passage of this Ordinance.

SECTION 11. COMMEMORATION OF LGBTQ+ EVENTS – In support of the LGBTQ+ community, the Pasig City Government shall commemorate the annual celebration of the following:

- (a.) International Day against Homophobia and Transphobia (IDAHOT) on May 17;
- (b.) Philippine Pride March in culmination of the celebration of the Pride Month on the third Saturday of June;
- (c.) Transgender Day of Remembrance on November 20;
- (d.) World AIDS Day on December 1; and
- (e.) Human Rights Day on December 10.

SECTION 12. APPROPRIATION. –For the effective implementation of this Ordinance, the City Government shall provide funds of up to 20% out of the five percent (5%) of the annual budget appropriated to finance the Gender and Development (GAD) plans, projects and programs;

SECTION 13. PERSON LIABLE. – Any person, natural or juridical, who commits any of prohibited acts herein, 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 criminally responsible;

SECTION 14. PENALTIES. – Any person held liable under this Ordinance shall be penalized with imprisonment for a period of not less than sixty (60) days but not more than one (1) year and/or a fine of not less than One Thousand Pesos (Php 1,000.00) but not to exceed Five Thousand Pesos (Php 5,000.00) or maybe both at the discretion of the Court and shall attend an SOGIE awareness seminar, without prejudice to any applicable criminal, civil, or administrative action that may be instituted under the provision of existing laws;

SECTION 15. 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 damage and other affirmative relief;

SECTION 16. IMPLEMENTING RULES AND REGULATIONS. – Within Sixty (60) days from the effectivity of this Ordinance, and the approval of the companion ordinance on the implementing mechanism, an appropriate body shall be defined which shall formulate, after thorough consultation with multi-sectoral groups and stakeholders, the implementing rules and regulations and guidelines of 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, LGBTQ+ non-government organizations, People's organization and Civic Society Organization;

SECTION 17. 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.