



Republic of the Philippines  
Tangapan ng Sangguniang Panlungsod  
2/F City Hall Bldg., J. Miranda Ave., Con. Peq., Naga City  
☎ 472-79-19 • 473-20-51


Gender & Development



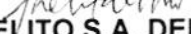
**ORDINANCE NO. 2019-024**  
**XXXXXXXXXXXXXXXXXXXX**

**AN ORDINANCE PROVIDING FOR A COMPREHENSIVE ANTI-DISCRIMINATION  
POLICY ON THE BASIS OF SEXUAL ORIENTATION AND GENDER IDENTITY AND  
EXPRESSION (SOGIE):-**

Introduced by:

  
**HON. CECILIA B. VELUZ-DE ASIS**  
City Councilor

Co-Sponsored by:

  
**HON. JOSELITO S.A. DEL ROSARIO**  
City Councilor

  
**HON. MARY KYLE FRANCINE B. TRIPULCA**  
City Councilor

**RATIONALE**

Section 11, Article II of the 1987 Philippine Constitution states that the State values the dignity of every human person and guarantees full respect for human rights;

Section 1, Article III of the 1987 Philippine Constitution guarantees that no person shall be deprived of life, liberty, and property without due process of law, nor shall any person be denied the equal protection of the law;


Section 1(a), Article XIII 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;

Lesbian, gay, bisexual, transgender and queer+ (LGBTQ+) persons are target of physical and verbal assaults that affect their economic, cultural, social, health, and wellbeing. They also continue to experience stigma, prejudice and discrimination manifested in actions such as: bullying, teasing and harassment

Although Naga City recognizes the vital contribution of the LGBTQ+ community, there are no ordinance and/or resolution currently implemented in the City of Naga to monitor the instances of discrimination, bias, prejudice, and violence that Lesbian, gay, bisexual transgender and queer+ (LGBTQ+) persons face.


**BE IT ORDAINED**, therefore, by the Sangguniang Panlungsod of Naga that:

**SECTION 1. TITLE.** This Ordinance shall be known as "ANTI SOGIE Discrimination Ordinance of the City of Naga".

 **SECTION 2. DECLARATION OF POLICY.** It is hereby declared as policy of the City of Naga to actively work for the elimination of all forms of discrimination that violates the equal protection clause of the Bill of Rights enshrined in the 1987 Philippine Constitution, and to intensify its efforts to guarantee full respect for human rights regardless of sex, age, class, status, ethnicity, disability, religious and political beliefs, sexual orientation and gender identity and expression.

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**SECTION 3. DEFINITION OF TERMS.** As used in this ordinance, the following terms shall be defined as follows:

- a. LGBTQ+- refers to a diverse and complex range of identities based on sexual orientation, gender identity and expression (hereinafter "SOGIE"), composed of non-conforming persons, including, but not limited to lesbian, gay, bisexual, transgender and queer persons.
  - a. 1. Lesbian – Female whose emotional, romantic and sexual energies are geared towards other females
  - a. 2. Gay – a person emotionally and/or physically attracted to members of the same sex. Though the term is all-encompassing, this term refers mainly to men;
  - a. 3. Bisexual – a person who is emotionally and/or physically attracted to members of both the same and the opposite sex;
  - a. 4. Transgender – is the state of one's gender identity not matching with one's assigned sex (based on physical/genetic sex).
  - a. 5. Queer – person's whose state of gender identity is still in question and refers one's sexual orientation and gender identity as potentially fluid;
  - a. 6. + (plus) – refers to other related communities of the LGBT. This represents the inclusivity of the community to all the identities not conforming to the social norms. This includes, but is not limited to the following: intersex, questioning, asexual, non-binary and pansexual.
- b. MALE- a person with individual experience of gender that corresponds with the sex assigned at birth. Refers to a person emotionally and/or physically attracted only to female.
- c. FEMALE- a person with individual experience of gender that corresponds with the sex assigned at birth. Refers to a person emotionally and/or physically attracted only to male.
- d. HETEROSEXUAL- a person sexually attracted to people of the opposite sex. Heterosexual persons are commonly referred to as *straight*.
- e. DISCRIMINATION- refers to any distinction, exclusion, restriction, or preference made based on sexual orientation, gender identity and expression (SOGIE) which has an effect and/or purpose of damaging or nullifying the recognition, access to, enjoyment, or exercise by a person, group of persons, or institutions of their fundamental freedoms in the economic social, civil, cultural, political, or any other field, including but not limited to, employment, education, livelihood, education and basic services;
- f. SEX- is a human and civil status of a person acquired by birth having an organ and system of reproduction.
- g. SEXUAL ORIENTATION- refers to the direction of emotional, sexual attraction or conduct. This can be towards people of the same sex (homosexual orientation) or towards people of both sexes (bisexual orientation) or towards people of the opposite sex (heterosexual orientation).
- h. GENDER IDENTITY- refers to each 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

*Excluded*

*9*

chosen, modification of bodily appearance or function by medical, surgical or other means) and other expressions of gender, including dress, speech, and mannerisms;

- i. GENDER EXPRESSION- this refers to how a person publicly presents one's gender. This can include behavior and outward appearance such as hair, make-up, dress, body language and voice. A person's chosen name and pronoun are also common ways of expressing gender;
- j. EDUCATION- includes access to education in all types and levels, standard and quality of education, and the conditions under which it is given;
- k. EMPLOYMENT- this term shall apply to regular, probational, 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.
- l. ACCOMMODATION- includes a house, apartment, townhouse, motel, boarding house, hotel, transient house, and dormitory, which are open to the public;
- m. GOODS AND SERVICES- includes but shall not be limited to establishments, individuals and group of individuals supplying physical goods and services such as restaurants, resorts, clubs, and shopping malls as well as those providing clearing, repair, maintenance, construction, financial, health, transportation and public utility services;
- n. GOVERNMENT SERVICES- refers to all government service available to the public, shall also include the grant of license, clearance, certification or any other document issued by governmental authorities or other juridical entities.
- o. VILIFICATION- the utterance of slanderous and abusive statements done in public which provokes hatred towards, serious contempt for, or severe ridicule towards any person/s based on actual or perceived sexual orientation and gender identity and expression.
- p. 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 and gender identity and expression.

**SECTION 4. ACTS OF DISCRIMINATION/ DISCRIMINATORY PRACTICES.**

Discrimination is committed when a person or a group of persons treats another unfairly or less favorably based on actual or perceived sexual orientation and gender identity and expression, than a person/s treats or would treat another without that attribute, on the same or similar circumstances in employment, education, accommodation, delivery of goods and services, government services and in other areas to wit:

- a. Discrimination in Employment- it shall be unlawful for any employer to discriminate against any person or group of persons based on actual or perceived sexual orientation and gender identity and expression, in public or private employment by:

- i. Denying or limiting application of a qualified person or a group of persons based on actual or perceived sexual orientation and gender identity and expression;
  - ii. Denying or limiting opportunities to favorable terms and conditions of employment which afford employee advancement in all areas of public service, including all levels of government service and employment in Naga city;
  - iii. Excluding membership in labor unions or similar organization;
  - iv. 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 another employee;
  - v. Dismissing the employee or subjecting the employee to any other detriment based on actual or perceived sexual orientation and gender identity and expression.
- b. Discrimination in education- it shall be unlawful for an educational institution, both public and private, along with the institution's officers and employees, to discriminate against a person based on actual or perceived sexual orientation and gender identity and expression thereof by:
- i. 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;
  - ii. Denying or limiting the student's access to any benefit provided by the educational authority;
  - iii. Expelling or subjecting the student to any penalty or other detriment based on actual or perceived sexual orientation and gender identity and expression;
  - iv. Refusing admission, denying acceptance or expelling or dismissing a student from academic, socio-civic organization and associations based on actual or perceived sexual orientation and gender identity and expression;
- c. Discrimination in the delivery of goods and Services- it shall be unlawful for a person, natural or juridical, whether as principal or agent, to discriminate against a person based on actual or perceived sexual orientation and gender identity and expression by:
- i. Refusing to provide goods and services or imposing onerous terms and conditions based on actual or perceived sexual orientation and gender identity and expression as a prerequisite for providing such goods and services where the said terms and conditions are not imposed on another person under the same or similar circumstances;
  - ii. Denying a person's access to establishments such as restaurants, bars, resorts, clubs, movie houses and shopping malls and other places of entertainment and other businesses which are open to the public including hospitals, and clinics. based on actual or perceived sexual orientation and gender identity and expression
  - iii. Refuse to attend to, or serve any order of food, beverage and other goods, consumable or non-consumable or to subject one to discrimination or harassment on buses, taxis, jeeps, ships, airplanes, based on actual or perceived sexual orientation and gender identity and expression.
- d. Discrimination in Accommodation- it is unlawful for a person, natural or juridical, whether as principal or agent to refuse or limit access to any benefit associated



to accommodation, based on actual or perceived sexual orientation and gender identity and expression by;

- i. Refusing or failing to allow any person to avail of services or accommodation in a house, apartment, townhouse, motel, boarding house, hotel, transient house, and dormitory, which are open to the public or for a fee;
- e. Discrimination in Government Service- it is unlawful for any government agency to refuse or limit access to any service and benefit provided to the public to a person or group of persons based on actual or perceived sexual orientation and gender identity and expression by;
  - i. Denying a person's access to health services and facilities, health insurance, and other related benefits as provided under law;
  - ii. Denying application for a license, clearance, certification or any other document issued by governmental authorities or other juridical entities based on actual or perceived sexual orientation and gender identity and expression;
- f. Verbal, Non-Verbal Ridicule and Vilification- Any person, natural or juridical, is hereby prohibited from vilifying or ridiculing any person based on actual or perceived sexual orientation and gender identity and expression which could result in the loss of self-esteem of the latter through any of the following acts:
  - i. Uttering of slanderous and abusive statements;
  - ii. Executing any activity in public which incites hatred towards, serious contempt for, or severe ridicule of a person;
  - iii. Contemptuous imitating or mockery whether in writing, or in words, or in action;
  - iv. 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.
- g. 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 and gender identity and expression.
- h. Promotion of Discrimination Against LGBTQ+- it shall be unlawful to organize groups and activities which promotes and incites discrimination against persons based on actual or perceived sexual orientation and gender identity and expression.
- i. Any other Analogous Act- Any act of discrimination or harassment based on actual or perceived sexual orientation and gender identity and expression, which demeans the dignity and self-respect of a person, or impairs, reduces or nullifies the recognition, enjoyment or exercise of a person's human and legal rights and basic freedoms in the civil, political, economic, social, cultural, educational spheres, and other spheres.

**SECTION 5. INCORPORATION OF SEXUAL ORIENTATION AND GENDER IDENTITY AND EXPRESSION (SOGIE) CONCERNS WITH THE FUNCTIONS OF EXISTING VIOLENCE AGAINST WOMEN AND CHILDREN (VAWC) DESK/ HUMAN RIGHT DESK IN NAGA CITY POLICE OFFICE (NCPO).** The Naga City Police Office is encouraged to handle specific concerns relating to sexual orientation and gender identity

and expression through its existing Violence Against Women (VAWC)/Human Right Desk in all police stations in Naga City.

**SECTION 6. INCORPORATION OF SEXUAL ORIENTATION AND GENDER IDENTITY AND EXPRESSION (SOGIE) CONCERNS WITH THE FUNCTIONS OF EXISTING BARANGAY VIOLENCE AGAINST WOMEN AND CHILDREN (VAWC) DESK.** All barangays in Naga City are encouraged to handle specific concerns relating to sexual orientation and gender identity and expression through its existing Barangay Violence Against Women (VAWC) Desk.

- a. Develop a system to efficiently document and report cases of discrimination and violence against actual or perceived lesbian, gay, bisexual, transgender, and queer+ (LGBTQ+) persons, and provide assistance to the 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 discrimination;
- c. Assist victims in filing appropriate complaint with the Naga City Police Office or other law enforcement agency.

**SECTION 7. PERSONS LIABLE.** Any person, natural or juridical, who commits any of the acts herein prohibited, 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 person who directly committed the discriminatory act shall be held liable, the president or head of office, shall not be criminally responsible, provided, that they are not directly involved in said discriminatory practice.

**SECTION 8. 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 both at the discretion of the Court, without prejudice to any applicable criminal, civil, or administrative action that may be instituted under the provision of existing laws. In addition, the court may impose upon a person found to have committed any of the prohibited acts the rendition of community service. Above penalties are without prejudice to administrative sanctions that may be imposed if the perpetrator is a government employee or elected official.

**SECTION 9. INDEPENDENT ACTION FOR DAMAGES.** Nothing in this ordinance shall preclude the victim of discrimination based on actual or perceived sexual orientation and gender identity and expression, from instituting a separate and independent action from damages and other affirmative relief.

**SECTION 10. COMMEMORATION OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND QUEER+ (LGBTQ+) EVENTS.** In support of the LGBTQ+ community, the Naga City Government shall commemorate the annual celebration of various events, such as, but not limited to, the following:

- a. Philippine Pride March on the First Saturday of December;
- b. World AIDs Day on December 01; and
- c. Human Rights Day on December 10.

**SECTION 11. APPROPRIATION.** For the effective implementation of this ordinance, funds shall be charged against the existing Naga City Council for Women (NCCW) and its Gender and Development programs.

**SECTION 12. ANTI-DISCRIMINATION PROGRAMS.** The Naga City government for the effectivity and efficiency of this ordinance shall implement programs, such as, but not limited to:

- a. Access to Legal representation of victims of discrimination based on sexual orientation and gender identity and expression (SOGIE);
- b. Psychological Counseling;
- c. Anti-Discrimination Campaign;
- d. Policy review;
- e. Discrimination Databank and Monitoring
- f. Organization of LGBTQ+ community in the Barangay to ensure sectoral representation in the City Government.
- g. Organization of a Naga City LGBTQ+ organization with the barangay communities as members.
- h. Organization of LGBTQ+ organizations in schools.

**SECTION 13. LGBTQ+ FACILITIES.** - The Naga City Government, in its desire to further protect the LGBTQ community shall endeavor to build facilities in barangays and schools, including construction of public comfort rooms for LGBTQ+, chargeable against the existing budget of the local government.

**SECTION 14. SEPARABILITY CLAUSE.** Any provision or portion of this ordinance found to be unconstitutional or invalid shall not impair the other provisions or parts thereof which shall continue to be in full force and effect.

**SECTION 15. REPEALING CLAUSE.** Any or all ordinances, rules and regulations which are inconsistent or in conflict with the provision of this ordinance are hereby repealed and modified accordingly.

**SECTION 16. IMPLEMENTING RULES AND REGULATIONS** – Upon effectivity of this ordinance, a Drafting Committee to formulate the implementing Rules and Regulations (IRR) necessary to carry out the provisions of this Ordinance shall be convened by the Sangguniang Panlungsod Committee on Family, Women, and Gender Development.

**SECTION 17. EFFECTIVITY.** This ordinance shall take effect upon its approval and after publication in a newspaper of local circulation.


**ENACTED:** March 26, 2019

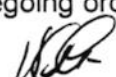
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**WE HEREBY CERTIFY** to the correctness of the foregoing ordinance.

  
**CECILIA VELUZ-DE ASIS**  
Acting City Vice Mayor &  
Presiding Officer

  
**GIL A. DE LA TORRE**  
Secretary to the  
Sangguniang Panlungsod

APPROVED:

  
**NELSON S. LEGACION**  
Acting City Mayor