



Republic of the Philippines
PROVINCE OF SORSOGON
MUNICIPALITY OF GUBAT

Office of the Sangguniang Bayan

EXCERPTS FROM THE MINUTES OF THE 19th REGULAR SESSION OF THE SANGGUNIAN BAYAN OF GUBAT, SORSOGON HELD ON MONDAY, JUNE 4, 2018 AT THE SANGGUNIAN BAYAN SESSION HALL.

PRESENT:

Hon. Sixto F. Estareja	- Municipal Vice Mayor, P. O.
Hon. John Paul E. Erlano	- Member, Sanggunian Bayan
Hon. Danilo E. Enaje	- Member, Sanggunian Bayan
Hon. Kenneth D. Escandor	- Member, Sanggunian Bayan
Hon. Anthony C. Callos	- Member, Sanggunian Bayan
Hon. Valentin A. Pura IV	- Member, Sanggunian Bayan
Hon. Aiza E. Encinares	- Member, Sanggunian Bayan
Hon. Ramon E. Entico	- Member, Sanggunian Bayan
Hon. Arnel Billiones	- Acting Liga President

ON LEAVE:

Hon. Cesar D. Esperida, Jr.	- Member, Sanggunian Bayan
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MUNICIPAL ORDINANCE NO. 2018 - 006

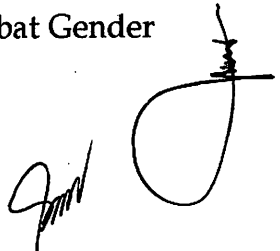
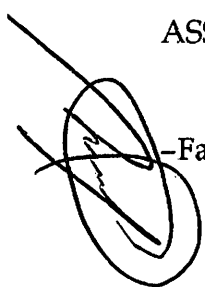
AN ORDINANCE PROVIDING FOR A COMPREHENSIVE ANTI-DISCRIMINATION POLICY ON THE BASIS OF SEXUAL ORIENTATION, GENDER IDENTITY AND EXPRESSION (SOGIE).

Principal Author: Hon. Aiza E. Encinares

Co Authors: Hon. John Paul E. Erlano, Hon. Cesar D. Esperida, Jr., Hon. Danilo E. Enaje, Hon. Kenneth D. Escandor, Hon. Anthony C. Callos, Hon. Valentin A. Pura IV, Hon. Ramon E. Entico, and Hon. Arnel E. Billiones

BE IT ORDINED BY THE MUNICIPALITY OF GUBAT IN REGULAR SESSION ASSEMBLED:

SECTION I. TITLE - This Ordinance shall be known as "The LGU- Gubat Gender Fair Ordinance"



SECTION II. DECLARATION OF POLICY - It is hereby declared a policy of Municipality of Gubat to actively work for the elimination of all forms of discrimination that offend the equal protection clause of the Bill of Rights enshrined in the Constitution, and other existing laws and to value the dignity of every person, guarantee full respect for human rights, and give the highest priority to measures that protect and enhance the right of all people;

SECTION III. DEFINITION OF TERMS

1). **LGBT** - refers to a diverse and complex range of identities based on sexual orientation gender identity and expression (hereinafter "SOGIE"). The term "LGBT" refers to gender and sexuality non-conforming persons, including, but not limited to lesbian, gay, bisexual and transgender persons.

a. **LESBIAN** - a woman who is emotionally romantic and whose sexual energies are geared toward other woman.

b. **GAY** - a person who is emotionally and/or physically attracted to members of the same sex. Although all-encompassing, this term refers mainly to men;

c. **BISEXUAL** - a person who is emotionally and/or physically attracted to members of both the same and the opposite sex;

d. **TRANSGENDER** - is the state of one's gender identity (self-identification as woman, man or neither) not matching one's "assigned sex" (identification by other as male or female based on physical/genetic sex). Transgender does not imply any Specific form of sexual orientation; transgender people may identify as Heterosexual, homosexual, bisexual, pansexual, polysexual or asexual. The precise definition for transgender remains in flux, but includes;

- Of relating to, or designating a person whose identity does not conform unambiguously to conventional notion of male or female gender roles, but combines or moves between these.

- People who were assigned a sex, usually at birth and based on their genitals, but who feels that this is a false or incomplete description of themselves.

- Non-identification with or non-presentation as the sex (and assumed gender) one was assigned at birth.

2). **DESCRIPTION** - shall mean any distinction, exclusion, restriction, or preference made on the basis of sexual orientation and gender identity and expression (SOGIE) which has an effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by a person, group of persons or institution of their human rights and fundamental freedoms in the political economic, social, cultural, civil, or any field especially including but not limited to employment, livelihood, education and basic service.

3). **SEX** – Sex is a human and civil status of a person acquired by birth having organ and system of reproduction.

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

5). **GENDER IDENTITY** – refers to each person's deeply felt internal and individual experience of gender which may or may not corresponds with the sex assigned at birth, including the personal sense of the body (which may involve, if freely chosen, modification of bodily appearance of function by medical, surgical or other means) and other expressions of gender, including dress, speech and mannerism.

6). **GENDER EXPRESSION** – is how a person publicly presents one's gender. This can include behaviour 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.

7). **EDUCATION** – refers to all types and level of education, and includes access to education, the Standard and quality of education, and the conditions under which it is given.

8). **EMPLOYMENT** – existence of employer- employee relationship, which is determined by the four-fold test 1) selection of employee; 2) payment of wages; 3) power of dismissal; and 4) power of control .This definition shall apply to regular, probational , contractual, seasonal and project based worker. In legitimate contracting or sub-contracting arrangements the contractor / subcontractor shall be deemed the employer of the contractual employee.

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

10). **GOODS AND SERVICES** – as applied herein includes but shall not be limited to establishments, 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.

11). **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).

12). **PUBLIC RIDICULE** – an act of making fun or contemptuous imitating or making mockery of persons whether in writing, or in words or in action on the basis of actual or perceived sexual orientation, gender identity and expression (SOGIE).

13). **STIGMA** – refers to the dynamic devaluation and dehumanization of an individual in the eyes of others which may be based on attributes that are arbitrarily defined by others as dis- credible or unworthy and which result in discrimination when acted upon;

SECTION IV. PROHIBITED ACT/ACTS OF DISCRIMINATION. Discrimination is committed when a person treats another less favourable on the basis of 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 to discriminate against any person or group of persons on the basis of 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 condition of employment;
- b) Denying or limiting opportunities to favourable terms and condition of employment which afford employee advancement in all areas of public service, including all levels of government service and employment in the Municipality of Gubat;
- 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 behaviour committed by the employer, or by another employee;
- e) Dismissing the employee or subjecting the employee to any other detriment on the basis of actual or perceived sexual orientation, gender identity and expression. (SOGIE).

2. **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 on the ground of actual or perceive 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 qualification of their students;
- b) Providing onerous or unjust terms and conditions for admission of a person as a student;
- c) Expelling or subjecting the student to any penalty or any other detriment on the basis of actual or perceived sexual orientation, gender identity and expression (SOGIE);
- d) Denying or limiting the student's to any benefits provided by the educational authority;
- e) Refusing admission , denying acceptance or expelling or dismissing a student from academic, socio civic organization and associations on the basis of actual or perceived sexual orientation, gender identity and expression (SOGIE); and

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.

3. Discrimination in the delivery of goods or services - It shall be unlawful for a person, natural or juridical, whether as principal or agent, to discriminate against a person on the ground of 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 prerequisite for providing such goods or services where the said terms and conditions are not imposed on another person under the same or similar circumstances; and

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 Accommodations - 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 on the ground of 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 or for a fee; and

b) Denying an application for a license clearance, certification or any other document issued by governmental authorities or other private or juridical entities on the basis of actual or perceived sexual orientation, gender identity and expression (SOGIE).

5. 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 acts;

- 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.

6. HARRASSMENT 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).

7. DISALLOWANCE FROM ENTRY AND REFUSAL TO SERVE

- It shall be unlawful to refuse entry and/ or disallow a person or group of persons from entering any establishment such as

restaurants, bars, stores, movie houses, shopping malls and other places or entertainment and other businesses which are open to the general public; and/or to refuse to attend to, or serve any orders for foods, drinks, and other goods, consumable and non-consumable or to subject one to discrimination or harassment in buses, taxis, ships, airplanes on the basis of actual or perceived sexual orientation gender identity and expression (SOGIE).

8. 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).

9. Any Other Analogous Act

- Any act of discrimination or harassment based on actual or perceived sexual orientation gender identity and expression (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, labor, economic, social, cultural, educational spheres and other spheres.

SECTION V. AFFIRMATIVE ACTS - To ensure that the rights of lesbian, gay, bisexual, and transgender (LGBT) persons are protected the following plans shall be adopted in employment, in education, in the delivery of goods and services, accomodation and other areas to wit:

1. Affirmative Acts in Employment

- a) Wage and Benefits for Lesbian, Gay, Bisexual and Transgender (LGBT) persons -Every employer in Municipality of Gubat shall comply with the minimum wage as stipulated by the Region Wage or as stipulated by pertinent legislation passed by congress and shall grant all lesbian, gay, bisexual and transgender (LGBT) persons benefits afforded under existing laws such as maternity/paternity leaves, sick and vacation leaves, retirement and benefits provided under special laws such as in R,A. No. 9262 among others;
- b) Issuance of Annual Gender Sensitivity Training certificate including Sexual Orientation Gender Identity and Expression (SOGIE) - All Government and Private offices commercial/industrial establishments located in Gubat Sorsogon shall encourage an annual gender sensitivity training or orientation for all employees including a module on the elimination of all forms of discrimination on the basis of one's actual or perceived sexual orientation, gender identity and expression (SOGIE).
- c) Dissemination to Employees and Posting of the Ordinance - A copy of this ordinance shall be provided to all employees upon engagement by the hiring officer or by the Human Resources Officer of any public or private entity where employment is sought. A copy of this ordinance shall be posted in two conspicuous places in the office where the business is located

- d) Facilities and Support System for Lesbian, Gays, Bisexual, and Transgender (LGBT) persons - All Government agencies, private offices, and commercial/industrial establishments shall designate toilet rooms and lavatories labelled ALL GENDER / LGBT comfort room.

2. Affirmative Acts in Education.

- a) Equal Access to Education Opportunities - The Municipality of Gubat shall ensure equal access to opportunities for lesbian, gays, bisexual and transgender (LGBT) persons in various trainings and scholarship. HOWEVER, that the right of education or training institution to determine the academic qualifications of their students or trainees shall be duly upheld.
- b) Availability of Anti-Discrimination Materials - All schools colleges, universities and other educational and training institutions whether public or private location in Gubat shall develop and make available resources materials on gender right and employment including laws and ordinances pertinent to the elimination of any form of discrimination on the basis of actual or perceived sexual orientation , gender identity and expression (SOGIE) in their libraries.
- c) Elimination of Gender Stereotyping - All schools, Colleges, Universities and other educational and training institutions whether public or private located in the Municipality of Gubat shall promote the elimination of sex-role stereotyping and gender discriminatory role modelling for students in academics and extra-curricular activities;

3. Affirmative Acts in the Delivery of Goods and Services

- a) Delivery of Goods and Services to Eligible Individuals - Establishments supplying physical goods and services shall ensure that goods and services are delivered to eligible individuals in a non-discriminatory manner in accordance with the standards provided under applicable laws;

4. Affirmative Acts in Accommodation.

- a) Health Services for Lesbian, Gay, Bisexual and Transgender (LGBT) Persons and Capacity Building and Training for Health Care Providers. In order to insure that health care services shall be provided in a non-discriminatory manner the Municipality of Gubat, through the municipal health Department shall:

1. Extend quality health care services and information on reproductive health without regard to one's marital status , age, religious affiliations, sexual orientation , gender identity and expression (SOGIE), personal circumstances and nature of work;
2. Monitor and ensure that provision for gender sensitive, gender-responsive and accessible health services for lesbians, gays, bisexuals and transgender (LGBTs) are available both

at the hospitals within the Municipality and in Barangay Health centers;

3. Develop modules for gender sensitive and gender responsive health care services and reproductive health information including those used for STDS, HIV and AIDs; and such shall be integrated in seminar, orientation and education activities;
4. Encourage the establishment of an LGBT Desk in every public and private hospital to handle concerns pertaining to the proper administration of medical services to a person with specific needs, according to one's self-identified sexual orientation gender identity and expression (SOGIE) in order to provide a comprehensive responsive and accessible health service;
5. Build the capacities of barangay health workers, schools and community based health personnel in delivering gender sensitive and gender responsive health services to the community in coordination with the barangay and non-governmental organizations;
6. Oversee implementation of reproductive health programs for all Municipal based establishments;
7. Initiate dedicated measures for lesbian, gay, bisexual and transgender (LGBT) workers to access without discrimination, Sexually transmitted Disease (STD) and Sexually Transmitted Infections (STI) check-ups and treatments including but not limited to life saving Human Immunodeficiency Virus (HIV) management prevention Care and support services;
8. Initiate a sensitization and training drive in all government health care facilities about the needs of lesbian, gay, bisexual and transgender (LGBT) population vis-à-vis general health and medical emergencies.

SECTION VI - INCORPORATION OF SEXUAL ORIENTATION GENDER IDENTITY AND EXPRESSION (SOGIE) CONCERNS WITH FUNCTIONS OF EXISTING VIOLENCE AGAINST WOMEN AND CHILDREN (VAWC) DESK/HUMAN RIGHTS DESK IN THE MUNICIPALITY OF GUBAT - The Gubat Police District is strongly encouraged to handle the specific concerns relating to sexual orientation gender identity and expression (SOGIE) through the existing Violence Against Women or VAWC/ Human Rights Desk.

SECTION VII. COMPOSITION OF THE GUBAT LGBT COUNCIL - Members of the Secretariat shall be recommended by the Gubat LGBT Council which shall be composed of the following:

Chairperson - Mayor
 Co-Chairperson - Vice Chairman
 Vice Chairperson - Chairperson Committee of LGBT

Members:

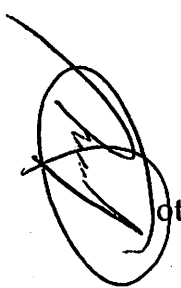
- Chairperson Committee on Women, Gender and Family
- Head of Public Employment Services Office
- Chief of Business Permits and Licensing Office
- PSDS of Gubat North and South Central Schools
- Representative of Gender Development Council
- (4) Four Representative from Non-Government Organization Accredited by the Municipality
- Head of the Municipal Health Department
- Representative from Gubat PNP District
- Head of the Housing Community Development and Resettlement Department

SECTION VIII- 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 barangay in the Municipality of Gubat are strongly encourage to handle concerns relating to sexual orientation, gender identity and expression (SOGIE) through the existing Barangay Violence against Women and Children (VAWC) Desk.

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

SECTION IX. OVERSIGHT FUNCTIONS OF THE GUBAT LGBT COUNCIL UNDER THE ORDINANCE - The Gubat LGBT Council shall perform oversight functions over the implementation of this Ordinance including the implementation of Anti- Discrimination programs provided herein. The Gubat LGBT Council shall exercise the following principal function;

- a) Monitor complaints concerning violations of any provision of this Ordinance;
- b) Facilitate and assist the victims of stigma and discrimination to ensure that they have legal representation counselling and psychological assistance;
- c) Maintain discrimination case documentation case monitoring system and set-up a data bank to easily access various cases and experiences of stigma and discrimination
- d) Recommend to the Sangguniang Bayan anti - discrimination policies;
- e) Monitor or review all policies embodied in resolutions, ordinance codes and other policy documents to determine if they are free from discriminatory statements and



provisions and undertake necessary amendments of those provisions to effectively eliminate discrimination stigma and stereotyping LGBTs.

SECTION X. COMMEMORATION OF LESBIAN, GAY, BISEXUAL AND TRANSGENDER (LGBT) EVENTS - the Municipality of Gubat shall support lesbian, gay, bisexual and transgender (LGBT) community annual celebration of the following:

- a) International Day against Homophobia and Transphobia (IDAHOT) on May 17
- b) Philippine Pride March on the First Saturday of December
- c) World Aids Day on December 1 ; and
- d) Human Rights Day on December 10.

SECTION XI. APPROPRIATION - For the effective implementation of this ordinance the Municipal Government shall source out funds from the five percent (5%) of the Annual Budget appropriated to finance the Gender and Development (GAD) plans project and programs.

SECTION XII. ANTI-DISCRIMINATION PROGRAMS - Fund shall be allocated by the Local Government of Gubat for the implementation of the following programs;

- a) Discrimination Databank and Monitoring
- b) Access to legal representation of victims of discrimination based on sexual orientation gender identity and expression (SOGIE)
- c) Psychological Counselling;
- d) Anti -Discrimination Campaign;
- e) Policy review;
- f) Organization of Lesbian, gay, bisexual and transgender (LGBT) persons in the barangay to ensure sectoral representation in the LGU Gubat.

SECTION XIII. 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 where private or public, their President or head of office shall also be criminally responsible.

SECTION XIV - PENALTIES - Any person held liable under this Ordinance shall be penalized with Imprisonment for a period of not less than sixty days (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 two thousand five hundred pesos (Php 2,500.00) 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.

SECTION XV. INDEPENDENT ACTION FOR DAMAGE - 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 damages and other affirmative relief.

SECTION XVI. IMPLEMENTING RULES AND REGULATIONS - Within sixty (60) days from the effectivity of this Ordinance the Gubat LGBT council shall jointly 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, LGBT non-government organization, LGBT organization and community based organizations.

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

SECTION XVIII- REPEALING CLAUSE - All ordinances or provisions thereof inconsistent herewith is hereby repealed, revoked or modified accordingly.

SECTION XIX - EFFECTIVITY CLAUSE - This ordinance shall take effect ten (10) days after its publication in local newspaper of general circulation in the municipality and its posting at the entrance of the municipal hall and in two other conspicuous places in the municipality.

ORDAINED AND APPROVED UNANIMOUSLY.

I HEREBY CERTIFY TO THE
CORRECTNESS OF THE FOREGOING:


JOEY I. ENAJE

Secretary to the Sanggunian Bayan

Attested by:


HON. SIXTO F. ESTAREJA

Municipal Vice Mayor, Presiding Officer

Approved By:


HON. SHARON ROSE G. ESCOTO

Municipal Mayor