



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

Item No. 02

Date: 10 2024 SEPI



PROVINCIAL LEGAL OFFICE

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2nd INDORSEMENT

August 27, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 473 of the Sangguniang Bayan of Babatngon, Leyte.

Issues/concerns for review/recommendation/legal opinion is/are as follows:

- Ordinance No. 473 entitled: **“An Ordinance Prohibiting Any Acts of Discrimination within the Municipality of Babatngon on the Basis of Ethnicity, Race, Color, Sex, Gender, Sexual Orientation, Gender Identity, Gender Expression, Sex Characteristics, Language, Religion or Belief, Political or Opinion, Social Origin, property, Birth and other Status, and Other Protected Attributes, and Providing Penalties Therefor.”**

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the subject Ordinance is generally in accordance to its power under Section 16¹ and Section 447² of the Local Government Code of 1991 (R.A 7160) and in consonance to Article XIII, Section 1³ of the 1987 Philippine Constitution except that **Section 9** thereof which provides for penalty beyond the allowable amount provided under Section 447 (1) (iii) of the Local Government Code imposing a fine not exceeding two thousand five hundred pesos (P2,500.00) or an imprisonment for a period not exceeding six (6) months, or both in the discretion of the court, for the violation of a municipal ordinance.

Thus, the return of the said ordinance for further review is warranted.

We hope to have assisted you with this request. Please note that the opinion rendered by this Office are based on facts available and may vary or change when additional facts and documents are presented or changed. This opinion is likewise without prejudice to the opinions rendered by higher and competent authorities and/or the courts.

ATTY. JOSE RAYMUND A. ACOL
Asst. Provincial Legal Officer

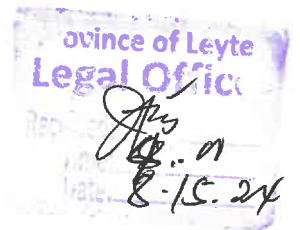
¹ Section 16-General Welfare Clause- Every local government unit shall exercise the powers expressly granted, those necessarily implied there from, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare xxx.
² Section 447. Powers, Duties, Functions and Compensation. - (a) The sangguniang bayan, as the legislative body of the municipality, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the municipality and its inhabitants pursuant to Section 16 of this Code xxx.
³ Art XIII. Section 1. The Congress shall give highest priority 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 by equitably diffusing wealth and political power for the common good.

Republic of the Philippines
PROVINCE OF LEYTE

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OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST ENDORSEMENT
15 August 2024



Respectfully indorsed to the **PROVINCIAL LEGAL OFFICE** the herein **ORDINANCE NO. 473** of the **MUNICIPALITY OF BABATNGON, LEYTE, "ANTI-DISCRIMINATION ORDINANCE OF THE MUNICIPALITY OF BABATNGON, LEYTE"**, for review and recommendations.


FLORINDA JILL S. UY VICO
Secretary to the Sanggunian

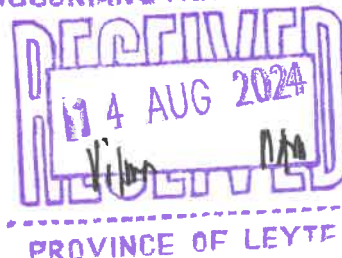


OFFICE OF THE SANGGUNIANG BAYAN

13 August 2024

Honorable Leonardo M. Javier, Jr.
Vice Governor and Presiding Officer, and

SANGGUNIANG PANLALAWIGAN



The Honorable Members

Sangguniang Panlalawigan
Province of Leyte
Legislative Bldg., Capitol Grounds
Tacloban City

Dear Honorable Ladies and Gentlemen,

Respectfully endorsed to the Honorable Sangguniang Panlalawigan of the Province of Leyte is Ordinance No. 473 entitled: "AN ORDINANCE PROHIBITING ANY ACTS OF DISCRIMINATION WITHIN THE MUNICIPALITY OF BABATNGON ON THE BASIS OF ETHNICITY, RACE, COLOR, SEX, GENDER, SEXUAL ORIENTATION, GENDER IDENTITY, GENDER EXPRESSION, SEX CHARACTERISTICS, LANGUAGE, RELIGION OR BELIEF, POLITICAL OR OTHER OPINION, SOCIAL ORIGIN, PROPERTY, BIRTH AND OTHER STATUS, AND OTHER PROTECTED ATTRIBUTES, AND PROVIDING PENALTIES THEREFOR." Said Ordinance is being forwarded to that Body for review in compliance with Section 56(a) of Republic Act 7160.

Enclosed please find the following:

1. Ordinance No. 473, and
2. Certification of Posting

Please find them in order and praying for your favorable action thereof.

Very truly yours,

ALMA A. BALDOMAR
Secretary II
Secretary to the Sanggunian-designate

Enclosed:
As stated





RECEIVED
14 AUG 2024

OFFICE OF THE SANGGUNIANG BAYAN

RELEASED
DATE: 13 AUG 2024
TIME: 9:25 AM

EXCERPT FROM THE MINUTES OF THE 102nd REGULAR SESSION OF THE SANGGUNIANG BAYAN OF BABATNGON, LEYTE HELD ON THE 22nd DAY OF JULY 2024 AT THE SB SESSION HALL, LEGISLATIVE BUILDING, BABATNGON, LEYTE.

MAYOR'S OFFICE
BABATNGON, LEYTE

RECEIVED

BY: Judy Anne Ballam
DATE: 8/12/24 10:58 am

ORDINANCE NO. 473

AN ORDINANCE PROHIBITING ANY ACTS OF DISCRIMINATION WITHIN THE MUNICIPALITY OF BABATNGON ON THE BASIS OF ETHNICITY, RACE, COLOR, SEX, GENDER, SEXUAL ORIENTATION, GENDER IDENTITY, GENDER EXPRESSION, SEX CHARACTERISTICS, LANGUAGE, RELIGION OR BELIEF, POLITICAL OR OTHER OPINION, SOCIAL ORIGIN, PROPERTY, BIRTH AND OTHER STATUS, AND OTHER PROTECTED ATTRIBUTES, AND PROVIDING PENALTIES THEREFOR.

Author : HON. HILARION S. MENZON
Co-Authors: HON. KEMUEL RUE M. CORSIGA
HON. ALEX VELOSO .BELLO
HON. CHRISTIAN C. LAWSIN

Section 1. Title. This Ordinance shall be known as the "Anti-Discrimination Ordinance of Municipality of Babatngon, Leyte.

Section 2. Declaration of Policy.

It is the policy of the state to work actively for the elimination of all forms of discrimination that offends the equal protection clause of the Bill of Rights and the State obligations under human rights instruments acceded to by the Republic of the Philippines. Likewise, it is the policy of the Municipality of Babatngon to promote equality and actively eliminate all forms of discrimination that violate and offend the equal protection of Human Rights as stated in the country's signed international conventions and obligations, and other existing laws, particularly such practices defined herein.

Section 3. Definition of Terms, -

For the purpose of this Ordinance, the following terms shall mean:

- a. Accommodation shall refer to a house, apartment, condominium, townhouse, flat, hotel, villa, motel, boarding house, hostel, dormitory, elderly homes, detention centers, rehabilitation facilities, orphanages, health facilities, including mental health facilities, birthing homes and hospital clinics, detention centers, camping grounds and other analogous places, whether public or private,
- b. Disability refers to long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder a person's full and effective participation in society on an equal basis with others;



- n. Indigenous Cultural Communities/Indigenous Peoples shall refer to a group of people or homogenous societies identified by self-ascription and ascription by others, who have continuously lived as an organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed and utilized such territories, sharing common bonds of language, customs, traditions and other distinctive cultural traits, or who have, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and cultures, become historically differentiated from the majority of Filipinos. Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) shall likewise include peoples who are regarded as indigenous on account of their descent from the populations which inhabited the country, at the time of conquest or colonization, or at the time of inroads of non-indigenous religions and cultures, or the establishment of present state boundaries, who retain some or all of their own social, economic, cultural and political institutions, but who may have been displaced from their traditional domains or who may have resettled outside their ancestral domains;
- o. Marginalization refers to a condition where a whole category of people is excluded from useful and meaningful participation in political, economic, social, and cultural life,
- p. Marital or Relationship Status refers to the personal status of each individual in relation to the marriage laws or customs of the Philippines. The categories of marital status include any of the following: single, married, separated, widowed, or de facto spouse of another person. A de facto spouse of another person is defined to mean a person who cohabits or lives with another person in a relationship similar to marriage but is not legally married to that person;
- q. Older persons refer to persons who are at least-sixty (60) years of age and also referred to as senior citizens:
- r. Persons with Disabilities refer to those persons who have long-term physical., mental intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others;
- s. Physical Features refer to a person's height, size, weight or other bodily characteristics and any feature that a person chooses to acquire, such as tattoos and piercings
- t. Political Inclination refers to a person's preference as regards membership or belief in a particular political party, organization or ideology. It covers both the holding and not holding of opinions, as well as expression of views or membership within opinion-based associations, trade unions or political parties.
- u. Profiling refers to reliance on the prohibited grounds of discrimination in subjecting a person, natural or juridical, or group of persons, including any type of societal relations to ANY investigatory activities, which include, but is not limited to (1) unnecessary: unjustified, illegal, or degrading searches, inquiries, custodial investigations, and arrests to determine whether an individual is engaged in an activity presumed to be unlawful, immoral, or socially unacceptable, or (2) recording and analyzing a person's psychological and behavioral characteristics to make generalizations about a person's protected attributes or to assist in identifying a particular subgroup of people's protected attributes:
- v. Reasonable Accommodation refers to necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms,



Municipality of Babatngon

- c. Discrimination constitutes any distinction, exclusion, restriction or preference or other differential treatment that is directly or indirectly based on the protected attributes such as ethnicity, race, color, sex, gender, Sexual Orientation, Gender identity, Gender Expression,
- d. Sex Characteristics, language, religion or belief, political or other opinion, social origin, property, birth and other status, and other protected attributes, including disability, age, nationality, marital and family status, health status, place of residence, economic and social situation, maternity and pregnancy, which have the intention or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of political, civil, economic, social, or cultural rights. It also includes association with a person who has or is believed to have any of these attributes

Direct discrimination occurs when an individual is treated less favorably than another person in a similar situation for a reason related to a prohibited ground. Direct discrimination also includes detrimental acts or omissions on the basis of prohibited grounds where there is no comparable similar situation.

Indirect discrimination refers to laws, policies or practices which appear neutral at face value, but have a disproportionate impact on the exercise of civil, political, economic, social, and cultural rights as distinguished by prohibited grounds of discrimination. Discrimination also includes incitement to discriminate and to harass. The actual status of the person subjected to discrimination shall not be relevant for the purpose of determining whether an act of discrimination has been committed;

- e. Education and Training shall refer to all types and levels of education, and includes access, standard and quality of education, training, and other avenues for learning, and includes access thereto, the standard and quality thereof, and the conditions under which the same is given,
- f. Ethnic Origin shall refer to the classification of people based on common color, descent, racial, national, tribal, religious, ethno-linguistic or cultural origin or background;
- g. Employment shall refer to the existence of an employer-employee relationship, as determined by existing law and jurisprudence, as well as all terms, conditions and privileges relating to work in public and private institutions, including recruitment policies, application procedures, training, incentives, compensation, determination of benefits or allowances, promotion, advancement opportunities, transfer, and dismissal.
- h. Gender refers to a social construct used to categorize a person as man, woman, or other identity, which is usually based on one's sex assigned at birth;
- i. Gender Identity refers to a person's innermost concept of self as man, woman, or another non- binary identity which may or may not correspond with their sex or gender assigned at birth
- j. Gender Expression refers to the way a person communicates gender identity to others through behaviour, clothing, hairstyles, communication or speech pattern, or body characteristics, among others
- k. Goods and Services shall refer to the material and nonmaterial products or things of value offered for sale to satisfy needs and wants for survival, comfort, or pleasure, such as but not limited to that provided by restaurants, resorts, hotels, clubs, stores and shopping malls, or acts or services provided by financial establishments, public utilities, professionals, maintenance and repair workers, laborers, among others;
- l. Health Status refers to a person's physical or mental health,
- m. HIV Status refers to the presence or absence of the human immunodeficiency virus (HIV) in the body of an individual;



- w. Religious Affiliation or Belief refers to the profession or non-profession of religion of beliefs of one's choice that may be publicly or privately manifested in worship, observance, practice and teaching;
- x. Religious Expression refers to teachings and preachings of religious leaders on the basis of their faith, whether it conforms to or opposes one's view or belief, which are made within the confines of their religious service, ceremony or gathering and which are in accordance with the most deeply held fundamental religious convictions of the religion to which they belong.
- y. Sex refers to the civil status of a person acquired by birth having a system of reproduction corresponding to that belonging to either male, female or intersex,
- z. Sex Characteristics refer to a person's physical traits that indicate their biological sex, such as chromosomes, external genitalia, gonads, hormones, and internal reproductive organs. traits present at birth are called primary sex characteristics, whereas those that develop during puberty are called secondary sex characteristics;
- aa. Sexual Orientation refers to the direction of emotional, sexual attraction, or conduct towards people of the same gender (homosexual orientation) or towards people of more than one gender (bisexual orientation), or towards people of a DIFFERENT GENDER (heterosexual orientation) or to the absence of sexual attraction (asexual attraction),
- bb. Social Origin refers to a person's inherited social status,
- cc. 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 discreditable or unworthy, and which result in discrimination when acted upon,
- dd. Universal design refers to the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design It shall not exclude assistive devices for particular groups of persons with disabilities where these are needed, and
- ee. Vulnerable communities refer to communities or sectors that encounter stigma and discrimination based on the grounds enumerated in this Ordinance
- ff. Other Status refers to other forms of differential treatment on grounds of discrimination which either undermines human dignity, causes or perpetuates systemic disadvantage, or adversely affects the equal enjoyment of a person's rights and freedoms in a serious manner that is comparable to the protected attributes enumerated in Section 4 of this Ordinance. These grounds include but are not limited to the following pregnancy or maternity paternity status, family responsibilities, medical condition, criminal record.

Section 4. Prohibited Grounds for Discrimination. –

For the purposes of this Ordinance, discrimination that is directly or indirectly based on the actual or perceived ethnicity, race, color, sex, gender, sexual orientation, gender identity, gender expression, sex characteristics, language, religion or belief, political or other opinion, national or social origin, property, birth and other status, and other protected attributes, including. but not limited to, disability, age, nationality, marital and family status, health status, place of residence, economic and social situation, maternity and pregnancy, is prohibited. For purposes of this Ordinance, these personal characteristics shall be collectively termed as Protected Attributes In

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determining whether a person is distinguished by one or more of the protected attributes, identification shall, if no justification exists to the contrary, be based upon self-identification by the individual concerned. Membership also includes association with a group characterized by one of the prohibited grounds or perception by others that an individual is part of such a group.

Section. 5 Acts of Discrimination. –

Discrimination is committed when a person treats another less favorably on the basis of actual or ethnicity, race, color, sex, gender, sexual orientation, gender identity gender expression, sex characteristics, language, religion or belief, political or other opinion, social origin, property, birth and other status, and other protected attributes, including disability, age, nationality, marital and family status, sexual orientation, health status, place of residence, economic and social situation, maternity and pregnancy, then the person treats or would treat another without that attribute, or with a different attribute, on the same or similar circumstances in the political, economic, social, cultural, civil, or other fields of public life, directly or indirectly, to include, but not limited to:

- A. **Denial of Protection Against Inflicting Stigma** - it shall be unlawful for any person to commit any acts that promote and, encourage, inflict or perpetuate stigma based on the grounds referred to in Section 4 hereof. Content in all forms of media, including social media, in educational textbooks, or in any other medium that aims to promote, encourage, inflict or perpetuate stigma through advertising, producing, or publishing, among others, is likewise prohibited;
- B. **Denial of Right to Political Participation.** Any person acting as principal or agent shall be liable under this ordinance for discrimination exercised through acts such as the following
 - 1. Preventing, impeding, prohibiting, obstructing or intervening in the exercise of political rights by another including, but not limited to, the right to vote, both regular or special, or in a plebiscite, both initiative or referendum;
 - 2. Imposing onerous terms before these political rights are granted, preserved or protected; or
 - 3. Subjecting another person who wishes to exercise a political right to any act of discrimination.
- C. **Denial of Right to Education and Training,** - It is unlawful for any person to:
 - 1. Refuse admission or expel a person from any educational or training institution on the basis of the grounds defined in Section 4, without prejudice to the right of educational or training institutions to determine the academic qualifications and non-academic training requirements of their students or trainees.
 - 2. Grant or refuse to grant honors, scholarship/s or other forms of assistance on the basis of the grounds defined in Section 4;
 - 3. Impose disciplinary sanctions, penalties harsher than customary, or similar punishment, requirements, restrictions, or prohibitions that infringe on the rights of the students or trainees on the basis of the grounds identified in Section 4.
 - 4. Failing to make reasonable efforts to make facilities accessible to people whose disabilities reduce their range of mobility;
 - 5. Subjecting the student to any act of discrimination and intolerance related to education and training. This prohibition extends to acts committed against a student or trainee to discriminate his or her parents or legal guardians based on grounds referred to in Section 4.



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2. Refusing or failing on demand to supply those goods or services to another person on less favorable terms or conditions than those upon whom they would otherwise supply those goods or services, provided, that the act of giving inferior goods or services shall be deemed a denial of access or use of such goods or service; or
3. Subjecting another person to any other detriment in connection with the provision of goods or services.

F. Denial of Right to Reasonable Accommodation.

1. Any person acting as principal or agent providing accommodation shall be liable for discrimination as exercised through acts such as the following:
 1. Failing to make reasonable efforts to make facilities accessible persons with disabilities.
 2. Refusing or failing to accept or process the application for any land or interest thereof, housing and other accommodations.
 3. Disposing of such land or interest, housing and other accommodation to another person on less favorable terms and conditions than those which would otherwise be offered.
 4. Treating another person who is seeking to acquire or has acquired an estate, land or interest thereof, housing and other accommodation less favorably than to others in the same circumstances.
 5. Refusing to permit another person to occupy any estate, land, housing and other accommodation.
 6. Terminating any estate, land or interest thereof of another person or the right of another person to occupy any estate, land or housing and other accommodation, or
 7. Subjecting an applicant to any other act of discrimination in the acquisition, possession, utilization, lease or disposal of estate, land or interest thereof, housing and other accommodation; and
 8. Denying accommodations against evacuees and internally displaced persons by reason of natural tragedy or armed conflict.
2. Any person acting as principal or agent shall also be liable for discrimination by imposing or seeking to impose on another person any term or condition that limits the person or class of persons who may be the clients, visitors or guests of any estate, land, housing and other accommodation.

The abovementioned acts or omissions under this provision shall also be discriminatory when they are committed against juridical persons on the basis of the actual or perceived protected attributes of their members, officers, board of directors or trustees, or their target constituencies.

G. Denial of the Right to Access Places, Facilities and Modes of Transportation for Public Use and to Attend Meetings Open to the Public. - Any person acting as principal or agent shall be liable for discrimination as exercised through acts such as the following:

1. Refusing to allow another person access to or use of any such place, facilities, or any mode of transportation that the public or a section thereof is entitled or allowed to enter or use,



6. Retaliating against a person who reports the discrimination, who provides information during an investigation, or who is a witness to or has reliable information about discrimination.

D. Denial of Right to Employment.

1. Any employer or head of a firm, company or organization shall be liable for discrimination exercised through acts such as the following:
 - i. Refusing or failing to employ another for work of any type or kind which is available and for which the person is qualified, or by imposing on the person onerous terms and conditions that violate the protected attributes under this ordinance.
 - ii. Failing to make reasonable efforts to make facilities accessible to people whose disabilities reduce their range of mobility.
 - iii. Denying or limiting access of an employee to the same terms and conditions of work, opportunities for training, transfer or promotion, or to other benefits connected with the employment, as are made available for other employees having the same qualifications and employed in the same circumstances or work of the same kind or type, or by imposing on the person onerous terms and conditions;
 - iv. Dismissing an employee, or subjecting an applicant for employment or an employee to any act of discrimination on account of his employment; or
 - v. retaliating against a person who reports the discrimination, who provides information during an investigation, or who is a witness to or has reliable information about discrimination
 2. Any person acting as principal or agent in procuring employment for other persons or procuring employees for an employer shall be liable for discrimination by treating an applicant seeking employment less favorably than another person in the same circumstances who is likewise seeking employment.
 3. Any person acting as principal or agent of an organization of employers or employees, or any person acting or purporting to act on behalf of such organization, shall be liable for discrimination by preventing or seeking to prevent another person from offering or from allowing another person to continue his or her employment.
 4. Deny employment in government institutions, including police, military or uniformed personnel in government service, based directly or indirectly on the grounds referred to in section 4; Provided, That, in police, military or uniformed personnel in government service, all applicants shall submit and comply with the requirements mandated by law.
 5. Refuse to enter into contract or agreement with persons or group of persons based solely or partly on the grounds provided in section 4; and
 6. Deny an application for or revoke a professional license issued by the government directly or indirectly due to the grounds included in Section 4.
- E. Denial on the Right to Access of Goods and Services.** -Any person acting as principal or agent who supplies goods or services to the public or to any section of the public shall be liable for discrimination as exercised through acts such as the following:
1. Refusing or failing on demand to supply those goods or services to a person.



2. Refusing to allow another person access to or use of any such place, facilities or any mode of transportation by providing onerous terms and conditions not similar to others whom they would otherwise allow access to or use of the place, transportation or facilities,
 3. Refusing to allow another person access to a meeting or assembly open to the public or to a section thereof, or refusing to allow another person access to a meeting or assembly by providing onerous terms and conditions not similar to others to which they would otherwise allow access to a meeting or assembly;
 4. Requiring another person to leave or cease to use any such place, facility or any mode of transportation,
 5. Failing to make reasonable efforts to make facilities accessible to people whose disabilities reduce their range of mobility;
 6. Subjecting a person to a denial of access to public places, public facilities, public transport or public meetings. The above-mentioned acts or omissions under this provision shall also be discriminatory when they are committed against juridical persons on the basis of the actual or perceived protected attributes of their members, officers, board of directors or trustees, or their target constituencies.
- H. Denial of Right to Organize.** - It shall be unlawful to prohibit, prevent, or revoke the accreditation, formal recognition, and/or registration of any organization, group, political party, institution or establishment, in educational institutions, workplaces, communities, and other settings, based partly or solely on the grounds provided for in Section 4. Discrimination is also committed when additional requirements beyond the customary are imposed directly or indirectly due to the grounds stipulated in Section 4.
- I. Denial of the Right to Health and Well-being** - Any person shall be liable for discrimination exercised through subjecting any person, without full, free, informed and prior consent, to any unnecessary medical or physical examinations, psychological treatments, faith-based practices, and other similar procedures that aim to change identity or physical attributes or impose behavior or expressions. This shall include denying a person access to public or private medical and other health services open to the general public, as well as access to public and private health insurance, including Health Maintenance Organization (HMO)-provided medical plans, on the basis of the grounds referred to in this Ordinance;
- J. Denial of Right Against Profiling** - It shall be illegal for any person, including members of the military and law enforcement agencies, to engage in profiling based solely or partly on the grounds included in Section 4 FOR THE PURPOSES OF INVESTIGATION, APPLICATION FOR OR ACCESS TO PUBLIC OR PRIVATE MEDICAL, AND OTHER HEALTH SERVICES, INCLUDING PRIVATE AND PUBLIC HEALTH INSURANCE AND HMO-PROVIDED MEDICAL, PLANS, AND OTHER ACTS WHICH HAVE THE INTENTION OR EFFECT OF NULLIFYING OR IMPAIRING THE RECOGNITION, ENJOYMENT OR EXERCISE, ON AN EQUAL FOOTING, OF POLITICAL, CIVIL, ECONOMIC, SOCIAL, OR CULTURAL RIGHTS; Provided That, this is not to prevent law enforcement officers from acting on characteristics found in positive descriptions of suspects by witnesses.
- K. Denial of Right Against Illegal Detention and Confinement.** - It shall be unlawful to detain and confine a person or group of persons based directly or indirectly on the grounds under Section 4 hereof.
- L. Denial of the Freedom of Speech, Utterances, Act of Hatred and Similar Acts.** - Any person shall be liable for discrimination exercised through delivering speeches or making



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utterances, doing acts of hatred or violence against another person, or mocking or ridiculing another person on the basis of ethnicity, race, religion or belief, sex, gender, sexual orientation, gender identity, gender expression, sex characteristics, disability, HIV status, legitimacy status as a single unwed parent or as the child of such, or other status of that person, or based on other protected attributes, except for religious expression made within the confines of a religious service, ceremony or gathering. Provided That, the freedom of speech and of expression shall not be abridged, and the free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed when speech and exercise thereof is done in religious context.

M. **Denial of Right to Access or Publish Advertisements/Mass Media.** - Any person acting as principal or agent, including employees, officers, board of directors or trustees, shall be liable for discrimination as exercised through publishing, displaying, causing or permitting to be published or displayed an advertisement or notice, including or excluding persons from access to social media, that indicates or could reasonably be understood as indicating an intention to do an act that is unlawful by reason of a provision of this ordinance.

N. **Denial of Right Against Wrongful Portrayal,** - Any person acting as principal or agent shall be liable for discrimination by portraying, intimating, depicting or describing in learning institutions, instructional materials, teaching devices, books and reference materials, especially in Civics and History, and in mass media, including social media, certain individuals and/or group/s as inferior, or encouraging the commission of any of the acts of discrimination against any person and/or group as provided in this act: provided, that the test to determine wrongful portrayal should be whether the work, taken as a whole, lacks serious literary, artistic, political, or scientific value. Information regarding the dignity and diversity of the cultures, traditions, histories, and aspirations of the ICCs/IPs should be appropriately reflected in all forms of education, public information, cultural-educational exchange, and information education campaigns including the use of social media platforms.

Discrimination through Analogous Acts That Result in Impairment of the Enjoyment of Human Rights and Fundamental Freedoms. Any person acting as principal or agent shall be liable for discrimination by analogous acts which have the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise of the person's human rights and fundamental freedoms, are prohibited.

Section 6. Anti-Discrimination Programs.

The Municipality of Babatngon shall ensure that stigma and discrimination are addressed and stopped through the following programs:

1. **Discrimination and Stigma Reduction Program.** Fund shall be allocated for the capacity building and education program that shall address and reduce stigma and eliminate discrimination within public and private institutions, establishments, organizations and communities.
2. **Discrimination and Stigma Studies.** The fund shall be allocated to stigma and discrimination case documentation, research, and information dissemination.
3. **Discrimination and Stigma Databank.** The fund shall be allocated to set up a databank of different cases and experiences of stigma and discrimination.
4. **Discrimination and Stigma Monitoring.** This refers to the monitoring of discriminating articles, songs, videos, books and other materials published in print media and the Internet, and those broadcasted through television and radio and filing the appropriate charges.



5. Access to Scholarships, Skills, Employment and Livelihood Opportunities. The Municipality of Babatngon shall ensure that all persons shall have equal access to scholarships, skills, trainings, employment, livelihood opportunities and microfinance opportunities and ensure equitable access to all persons who by reason of grounds in Sec 4 are stigmatized.
6. Access to Legal Representation. The Municipal of Babatngon shall facilitate victims of stigma and discrimination are afforded legal representation when documenting and filing cases as well as during the duration of the case.
7. Policy Review. The Municipality of Babatngon shall ensure that all policies - resolutions, ordinances, codes and other policy documents are free from discriminatory statements and provisions and amend those provisions that shall be deemed discriminatory and those that advocate stigma and stereotypes.
8. Diversity AND INCLUSION Programs and Training - All government employees, private companies, public and private educational institutions, and and private establishments and entities, shall establish diversity and inclusion programs and shall endeavour to provide or conduct training for their staff, employees, students and trainees, and constituents to ensure that discrimination and abuse are prevented. They shall also create an internal redress mechanism to address cases of discrimination and grant administrative remedies or sanctions for such cases.

All government officers and workers are obliged to promote non-discrimination in the discharge of their duties and responsibilities.

Section 7. Implementing Agency.

The Municipality of Babatngon shall implement the programs stipulated in Section 5 of this ordinance. Any complaint filed shall first be lodged in the barangay concerned provided both parties are living on the same barangay, otherwise the case shall be filed in court for appropriate action.

Section 8. Persons Liable. –

Any person, natural or juridical, including government or private corporation, institution or company who commits discrimination shall be liable under this ordinance.

Any person who by any act requests, instructs, induces, encourages, authorizes or assists another to commit acts of discrimination shall also be liable under this Ordinance. Any person's failure to act, which resulted in the discrimination of another, shall be punishable as discrimination under this ordinance.

Any person who is duty bound to act on complaints of discrimination under this Act but fails or refuses to do so shall be deemed prima facie to have sanctioned the discriminatory act, and shall consequently be held equally liable for discrimination.

Section 9. Penalties:

Any person found violating the provisions of this ordinance shall be penalized as follows:

1. Individuals. Fine of not less than One Thousand Pesos (Php1,000.00) but not to exceed Five Thousand Pesos (Php3,000 00) plus imprisonment of not less than sixty (60) days but not to exceed one (1) year,

2 Business Establishments



- a. First Offense: Fine of not less than Phpl,000.00 not to exceed Php1,500.00
- b. Second Offense: Fine of Php 2,000.00 not to exceed Php 3, 000-00
- c. Third Offense: Imprisonment of the Operation Manager and immediate supervisor of not less than sixty (60) days but not to exceed One (1) Year and closure of the establishment upon discretion of the court.

Or

Any violation of the provisions hereof shall be punished through the imposition of a fine of PS.000.00 and/or imprisonment of not more than one (1) year upon the discretion of the court.

Section 10. Inciting Others to Commit Acts of Discrimination. - Any person acting as principal or agent shall be liable for discrimination by inciting others to commit discrimination or any action that is unlawful by reason of a provision of this Act, or by assisting or promoting, whether through financial assistance or otherwise, the doing of such act

Section 11. Protection Against Abuses by State or Non- State Actors - it shall be unlawful for any government entity. police, military, to harass verbally or physically, to curtail freedom of movement, or to extort from a person or a group of persons on the basis of the grounds stipulated in Section 4 hereof. This prohibition applies to similar abuses committed by private persons

Section 12. Technical Working Group. For the purpose of this ordinance a Technical Working shall be established, which will be composed of the following:

Chairman	Mayor
Co-Chairman	Vice Mayor
Vice Chair	Committee on Social Services
Members	Pertinent Committees in the LGU, 2 Accredited advocacy groups
	MSWDO
	PNP
	NGOs/CSOs

Section 13. Functions of the Technical Working Group.

The Technical Working Group shall have the following functions:

- a. The formulation of the implementing Rules and Regulations as well as the Guidelines in the proper implementation of this ordinance
- b. Identify the activities and programs to be conducted under the Anti-Discrimination Programs.
- c. Recommend measures for the proper implementation of the ordinance

Section 14. Creation of Noa-Discrimination and Equal Opportunity Committees.

order to ensure compliance with this Ordinance, all agencies, corporations, companies and educational institutions, whether private or public, as well as any person providing employment, housing, education and the delivery of basic goods and services shall create a Non- Discrimination and Equal Opportunity Committee, hereinafter referred to as Non-Discrimination Committee, which shall exercise administrative jurisdiction to investigate acts and practices of discrimination under this Act.

Municipality of Babatngon



The Non-Discrimination Committee shall, among others, conduct the initial, investigation of cases constituting discrimination on the basis of actual or perceived ethnicity, race, color, sex, gender, sexual orientation, gender identity, gender expression, sex characteristics, language, religion or belief, political or other opinion, social origin, property, birth and other status, and other protected attributes, including disability, age, nationality, marital and family status, health status, place of residence, economic and social situation, maternity and pregnancy. The result and findings of such investigation shall be referred to the appropriate disciplinary bodies of the agency, corporation, company, and educational institution, whether public or private, for resolution, settlement or prosecution, and the imposition of appropriate sanctions. However, cases or complaints of acts of discrimination as defined in this Ordinance against ICCs/IPs may be filed DIRECTLY with the Commission on Human Rights (CHR) or with the National Commission on Indigenous Peoples (NCIP) with the appropriate government agency for investigation and resolution in the exercise of its quasi-judicial powers.

For this purpose, FOR CASES OR COMPLAINTS OF ACTS OF DISCRIMINATION COMMITTED AGAINST ICCS/IPs, the CHR or the NCIP, as the case may be, may investigate motu proprio or on a complaint by any person, acts or omissions in violation of this ordinance in instances where discrimination complaints against ICCs/IPs are first filed with another entity, same complaints may be referred to the NCIP for conduct of the appropriate investigation. Based on its findings, the NCIP shall initiate the filing of appropriate legal or administrative action to the appropriate officer or tribunal and may prosecute the case for and on behalf of the ICCs/IPs subject to existing rules and guidelines in the prosecution of criminal cases.

Any administrative sanction on the perpetrator of discrimination shall not be a bar to any criminal prosecution in the proper courts on any act of discrimination committed in violation of the protected attributes or to any civil claim for damages suffered by the victim of discrimination.

Failure of any juridical entity, whether public or private, to ensure effective implementation of this provision by failure to establish a non-discrimination committee or failure to act on a complaint within ten (10) days upon receipt thereof and to resolve the same with prompt and sensitivity shall be deemed refusal to address discrimination and shall be considered as an act of discrimination subject to the penalty.

Section 15. Implementing Rules and Regulations. Within thirty (30) days from the approval of this Ordinance, the necessary rules and regulation shall be issued for the proper and effective implementation of this Ordinance.

Section 16. Source of Funds. Two Hundred Thousand Pesos (PhP 200,000,00) shall be allocated from the Annual Investment Plan, to fund the establishment and the implementation of this ordinance.

Section 17. Proceeds of Fines and Fees. Fines and Fees paid pursuant to the enforcement of the herein ordinance shall accrue to the different anti-discrimination programs.

Section 18. Separability Clause. -If any part of this Ordinance is declared not valid, unconstitutional or unlawful, such declaration shall not affect or impact the remaining provisions, sections or parts thereof, which shall remain or continue to be in full force and effect.


Section 19. Repealing Clause. All ordinances, orders, rules, and regulations or parts thereof inconsistent with this Ordinance are hereby repealed or modified accordingly.

Section 20. Effectivity. This Ordinance shall take effect fifteen (15) days after its publication in a newspaper of local circulation.



APPROVED and **ENACTED** this 22nd day of July 2024 at Babatngon, Leyte.

I HEREBY CERTIFY to the correctness of the foregoing ordinance.


ALMA A. BALDOMAR
Secretary II
Secretary to the Sanggunian-Designate

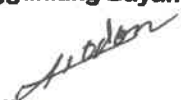
ATTESTED BY:


HON. ROSARY PEARL G. CATUDIO
Municipal Vice-Mayor
Presiding Officer


HON. CHRISTIAN C. LAWSIN
Sangguniang Bayan Member

(Special Leave)
HON. KEMUEL RUE M. CORSIGA
Sangguniang Bayan Member

(Sick Leave)
HON. KARL JOMAR L. EMBANA
Sangguniang Bayan Member


HON. ILDEFONSO B. ODON
Sangguniang Bayan Member


HON. FEDERICO P. ELIZAGA, JR.
Sangguniang Bayan Member

(Mandatory Leave)
HON. HILARION S. MENZON
Sangguniang Bayan Member

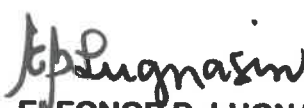
(Absent)
HON. CHARITA M. CHAN
Sangguniang Bayan Member


HON. ALEX VELOSO BELLO
Sangguniang Bayan Member


HON. EDGARDO Y. MORDEN
President
Liga ng mga Barangay


HON. JUDE LEMWEL B. VETHIMVAS
President
Pambayang Pederasyon ng
Sangguniang Kabataan

APPROVED:


HON. ELEONOR B. LUGNASIN
Municipal Mayor

Date: 12 AUG. 2024





OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATION

TO WHOM THIS MAY CONCERN:

This is to certify that **POSTING** in prominent places in the **Municipal Hall** and some conspicuous places in the locality was undertaken starting **13 August 2024** and copies of said ordinance shall remain posted for **three (3) consecutive weeks**, pursuant to **Sec. 59 (b) of Republic Act 7160**, in relation to hereunder **Ordinance**, to wit:

1. Ordinance No. 473, entitled: "AN ORDINANCE PROHIBITING ANY ACTS OF DISCRIMINATION WITHIN THE MUNICIPALITY OF BABATNGONON THE BASIS OF ETHNICITY, RACE, COLOR, SEX, GENDER, SEXUAL ORIENTATION, GENDER IDENTITY, GENDER EXPRESSION, SEX CHARACTERISTICS, LANGUAGE, RELIGION OR BELIEF, POLITICAL OR OTHER OPINION, SOCIAL ORIGIN, PROPERTY, BIRTH AND OTHER STATUS, AND OTHER PROTECTED ATTRIBUTES, AND PROVIDING PENALTIES THEREFOR."

Made this 13th day of August 2024 at Babatngon, Leyte.

A handwritten signature in black ink, appearing to read "A. Baldomar".

ALMA A. BALDOMAR
Secretary II
Secretary to the Sanggunian-designate

