



REPUBLIC OF THE PHILIPPINES
REGION IV -A (CALABARZON)
PROVINCE OF CAVITE
CITY OF GENERAL TRIAS

OFFICE OF THE SANGGUNIANG PANLUNGSOD

CITY ORDINANCE NO. 16-06 (GENERAL)

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ENACTING THE REVISED CITY ORDINANCE PROHIBITING ALL ACTS OF DISCRIMINATION DIRECTED AGAINST LESBIAN, GAY, BISEXUAL AND TRANSGENDER (LGBT) IN ANY OFFICE OR INSTITUTION IN GENERAL TRIAS WHETHER IN GOVERNMENT OR IN THE PRIVATE SECTOR AND PROVIDING PENALTIES FOR THE VIOLATIONS THEREOF TO BE KNOWN AS THE "REVISED GENERAL TRIAS ANTI-LGBT DISCRIMINATION ORDINANCE".

WHEREAS, it is the mandate policy of the State to protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony;

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

WHEREAS, Lesbian, Gay, Bisexual and Transgender (LGBT) have long been the subject of unfair treatment and unjust practices, especially in the matter of education and employment;

WHEREAS, there is a steady and alarming rise in violence against members of the LGBT community in the Philippines over the past fifteen (15) years according to the new research conducted by an LGBT advocacy group;

WHEREAS, the LGBT community continues to be oppressed primarily because of misconception and ignorance.

WHEREAS, based on the survey made in 2013 by few research centers to identify the acceptance of countries on homosexuality known as Global Divide for Homosexuality, 73% of the Filipinos accepts homosexuality;

WHEREAS, Article XII, Section 1 (a) of 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;

WHEREAS, it is time that the city government takes the necessary steps to put an end to all discriminatory acts against a segment of the society whose conditions may not be of their own choosing;

WHEREAS, this ordinance seeks to eliminate offensive practices of discrimination particularly those based on sex or sexual orientation;

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Kerby J. Salazar

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Continuation...page 2 of City Ordinance No. 16-06 (General):

NOW, THEREFORE, be it ordained by the Sangguniang Panlungsod of General Trias, Cavite in Session assembled that:

SECTION 1. SHORT TITLE. This ordinance shall be known as the "General Trias Anti-LGBT Discrimination Ordinance".

SECTION 2. DECLARATION OF POLICY. It is hereby declared a policy of the Local Government Unit of General Trias to promote equality and protect the Lesbian, Gay, Bisexual and Transgender Community (LGBT) in the city to eliminate all forms of discrimination that violate and offend the equal protection of human rights, particularly those discrimination practices based on sex or sexual orientation.

SECTION 3. DEFINITION OF TERMS. For purposes of this Ordinance, the following terms shall be defined as follows:

- a. Bisexual - emotionally and sexually attracted to both men and women.
- b. Discrimination - any distinction, exclusion, restriction, or preference which is based on sexual orientation and gender identity whether actual or perceived, and which has purpose or effect of nullifying or impairing the recognition, enjoyment, or exercise by all persons of an equal footing of all rights and freedom.
- c. Gay - a man who is emotionally and sexually attracted to other men.
- d. Gender Identity - the personal sense of identity as characterized, among others, by manners of clothing, inclinations, and behavior in relation to masculine or feminine conventions, i.e., a person may have a male or female case of transsexuals and transvestites.
- e. Lesbian - a woman who is emotionally and sexually attracted to other women.
- f. LGBT - Lesbian, Gay, Bisexual, and Transgender.
- g. Sexual Orientation - the direction of emotional sexual attraction or conduct, which 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. Transgender - a person whose self-identity does not conform unambiguously to conventional notions of male or female gender, including transmen, transwomen and transvestites.

SECTION 4. PROHIBITED ACTS. It is hereby prohibited in the City of General Trias to discriminate any person and/or group of persons on the basis of their sexual orientation and gender identity or of their belonging to the LGBT community on any of the following instances:

- a. Denial of access to public services, educational services and health services;
- b. Refusal or revocation of the accreditation, formal recognition, and/or registration of any LGBT community in educational institutions, workplaces, communities, and similar settings;
- c. Denial of access to and/or the use of private and public establishments, facilities, utilities, transportation or services, including housing, open to the general public; there is denial when 1) a person is given inferior accommodations or services and 2) rejection of any application, entry and participation;

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OFFICE OF THE SANGGUNIANG PANLUNGSOD

Continuation...page 3 of City Ordinance No. 16-06 (General):

- d. Mandatory medical or psychological examination without the expressed approval of the person involved;
- e. Uploading or posting of pictures, videos, and comments on the internet through social networking sites, websites, and other social media which demean, debase, and humiliate a person or group of LGBT, however, this is balanced with the personal feeling of the person allegedly demeaned;
- f. Publication and/or use of derogatory and humiliating statements, remarks, comments, articles, videos, and pictures in print and broadcast media against a person or the LGBT;
- g. Denial of access to medical and health services open to the general public;
- h. Harassment of a person, natural or juridical, in which physical or verbal abuse takes place;
- i. Include sexual orientation and gender identity in the criteria for hiring, promotion and dismissal of employees, and in the determination of compensation, training, incentives, privileges, benefits, allowances and other term and conditions of employment;
- j. Other analogous circumstances.

SECTION 5. PROGRAMS. The City Government of General Trias shall ensure that discrimination is prevented and effectively addressed through instituting measures and programs that will strengthen the LGBT community and promote active participation of the latter in the development of the city.

SECTION 6. IMPLEMENTING AGENCIES. The City Government of General Trias through the City Social Welfare and Development Office (CSWDO) in coordination with Non-Government Organizations (NGOs) created for the furtherance of the rights of the LGBT community, shall be directly and primarily responsible for the implementation of the provisions of this ordinance.

SECTION 7. PENALTIES. In case of violation of any of the provisions of Section IV of this ordinance, the following penalties shall be imposed:

- a. Persons found guilty of any of the prohibited acts enumerated in the preceding section shall be penalized with a fine of:

1st Offense : A fine of not less than One Thousand Pesos

(Php 1 000.00)

2nd Offense : A fine of not less than Two Thousand Five Hundred Pesos

(Php 2 500.00)

3rd Offense : A fine of not less than Five Thousand Pesos

(Php 5 000.00),

- b. In addition, the perpetrator may be subjected to community service through human rights education and exposure to the plight of the victims can be imposed at the discretion of the court and

- c. The official directly involved shall be liable for violations committed by corporations, organizations, or similar entities.

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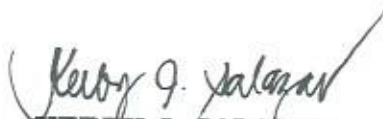
Continuation...page 4 of City Ordinance No. 16-06 (General):

SECTION 8. FUNDING. There shall be allocated an annual funds for the programs and activities related to the protection and promotion of LGBT community to be charged against LGU's Gender and Development (GAD) budget.

SECTION 9. SEPARABILITY CLAUSE. If any provision or part hereof is held invalid or unconstitutional, the remainder of the Ordinance or the provision of otherwise affected shall remain valid and subsisting.

SECTION 10. EFFECTIVITY. This Ordinance shall take effect after its approval and compliance with posting and publication requirements.

ENACTED under THIRD READING on 22 JUNE 2016.


KERBY J. SALAZAR
SP Member


CHRISTOPHER N. CUSTODIO
SP Member


WALTER C. MARTINEZ
SP Member


RICHARD R. PARIN
SP Member


MARIO C. AMANTE
SP Member



JONAS GLYNN P. LABUGUEN
SP Member


FLORENCIO D. AYOS
SP Member


JOWIE S. CARAMPOT
SP Member


GARY A. GREPO
LNB President


CERTIFIED TRUE AND CORRECT:


WENCESLAO P. CAMINGAY
Secretary to the Sanggunian

ATTESTED:


MAURITO C. SISON
City Vice Mayor/Presiding Officer

APPROVED:


ANTONIO A. FERRER
City Mayor