



Republic of the Philippines
Province of Bulacan
City of Malolos

OFFICE OF THE CITY MAYOR

16 May 2022

MS. MA. ROSALIE SP. CRUZ
LOCAL LEGISLATIVE OFFICER V
CITY COUNCIL OF MALOLOS
CITY GOVERNMENT OF MALOLOS

05/16/2022
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1:32 pm

Dear MS. CRUZ:

Greetings!

Attached herewith are copies of the City Ordinance No. 03-2022 - AN ORDINANCE PROMOTING DIVERSITY AND EQUALITY THRU AFFIRMATIVE ACTION AND PROHIBITING DISCRIMINATION, RIDICULE, VILIFICATION, AND HARASSMENT OF PERSONS IN THE CITY OF MALOLOS ON THE BASIS OF THEIR SEXUAL ORIENTATION, GENDER IDENTITY AND EXPRESSION (SOGIE).

Pursuant to the relevant provisions of the Local Government Code of 1991, the veto shall be communicated by the local chief executive concerned to the sanggunian within fifteen (15) days in the case of a province, and ten (10) days in the case of a city or a municipality; otherwise, the ordinance shall be deemed approved as if he had signed it.

Copies of the Ordinance were received by the Office of the City Mayor on the 28th March, 2022. The City Ordinance No. 03-2022, is hereby returned to the Office of the Secretary of the Sangguniang Panlungsod absent the signature of the Local Chief Executive. As such, the said Ordinance shall be deemed approved.

Respectfully,

ATTY. LOUIE BELLE C. TAGULAO - CASTRO
Chief of Staff



Republic of the Philippines
Province of Bulacan
City of Malolos

OFFICE OF THE SANGGUNIANG PANLUNGSOD

EXCERPT FROM THE MINUTES OF REGULAR SESSION OF THE SANGGUNIANG PANLUNGSOD OF MALOLOS HELD AT SESSION HALL (ANNEX), 5TH FLOOR, NEW BUILDING OF THE CITY GOVERNMENT OF MALOLOS ON MARCH 21, 2022.

MEMBERS PRESENT:

HON. NOEL G. PINEDA	City Vice Mayor Presiding Officer
HON. FRANCISCO J. CASTRO	City Councilor
HON. NIÑO CARLO C. BAUTISTA	"
HON. KIRK LOUIS NICOLAS	"
HON. MICHAEL M. AQUINO	"
HON. ENRICO C. CAPULE	"
HON. DENNIS D. SAN DIEGO	"
HON. EMMANUEL R. SACAY	"
HON. EDGARDO F. DOMINGO	"
HON. LUIS ALFONSO M. ARCEGA	"
HON. MIGUEL CARLOS B. SOTO	"
HON. DIONISIO C. MENDOZA	ABC President
HON. PATRICK S. DELA CRUZ	SK President

ALL MEMBERS PRESENT:

CITY ORDINANCE NO. 03-2022

AN ORDINANCE PROMOTING DIVERSITY AND EQUALITY THRU AFFIRMATIVE ACTION AND PROHIBITING DISCRIMINATION, RIDICULE, VILIFICATION, AND HARASSMENT OF PERSONS IN THE CITY OF MALOLOS ON THE BASIS OF THEIR SEXUAL ORIENTATION, GENDER IDENTITY AND EXPRESSION (SOGIE).

AUTHORED BY: HON. DENNIS D. SAN DIEGO, HON. PATRICK S. DELA CRUZ,
HON. MICHAEL M. AQUINO, HON. EMMANUEL R. SACAY AND HON. LUIS ALFONSO M. ARCEGA

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

WHEREAS, 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;

WHEREAS, 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 laws;

WHEREAS, the Yogyakarta Principles espouse human rights principles and binding international legal standards relating to sexual orientation and gender identity ensuring among others that people are protected from all forms of discrimination and stereotypes and these principles serve as legal interpretative aid to human rights treaties;

WHEREAS, Section 8 of Republic Act no. 11313, also known as the "Safe Spaces Act" provides that the local government units (LGUs) shall bear primary responsibility in enforcing the provisions of the said Act and shall pass an ordinance which shall localize the applicability of the same, including the imposition of fines on acts of gender-based sexual harassment;

WHEREAS, President Rodrigo Roa Duterte issued Executive Order 100 dated December 17, 2019 entitled: "Institutionalizing the diversity and inclusion program, creating an inter-agency committee on diversity and inclusion, and for other purposes";

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CITY VICE MAYOR

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HON. DENNIS D. SAN DIEGO
CITY COUNCILOR

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WHEREAS, Section 16 of the Local Government Code of 1991 provides the Local Government Unit to exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare;

WHEREAS, in view of the policy of the State as provided in the Constitution, our international obligations, and the objective of the various laws towards non-discrimination and affirmative action, the promotion of the general welfare by the Local Government Unit within its territorial jurisdiction evidently and clearly includes the obligation and the duty to promote, protect, and fulfil human rights grounded on the recognition of the inherent dignity of every human person and on the basis of non-discrimination and equality before the law;

WHEREAS, in the City's continuous pursuit for progress together with the vision of a vibrant, equitable, progressive, inclusive, and open City of Malolos as well as in fulfilment of the City's obligation and duty to promote, protect, and fulfil human rights for all, it is deemed necessary that an Ordinance be enacted to define and prohibit acts of discrimination, ridicule, vilification, and harassment of persons based on protected attributes, institute a mandate for affirmative action, and establish a system of monitoring, compliance, and adjudication of complaints;


NOW THEREFORE, BE IT ORDAINED by the Sangguniang Panlungsod of Malolos, in a session duly assembled that:

Section 1. - TITLE - This Ordinance shall be known and cited as the "Malolos Gender-Fair" Ordinance.

Section 2. DECLARATION OF POLICY. It is hereby declared a policy of the City of Malolos 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 the highest priority to measures that protect and enhance the right of all people.

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

- a. **Discrimination** - shall mean any distinction, exclusion, restriction, or preference made, or any act or action committed to manifest prejudice, bigotry, unequal treatment, humiliation, and vilification on the basis of their age, racial or ethnic origin, religious belief or activity, political inclination or conviction, social class, sex, gender, sexual orientation, gender identity and expression, marital or relationship status, disability, health status or medical history, language, physical features, or other status, which has an effect or purpose of impairing or nullifying the recognition, enjoyment, or exercise by a person, group of persons, or institutions of their human rights and fundamental freedoms in the political, economic, social, religious, cultural, or any other field, especially including but not limited to, employment, livelihood, education and basic services;
- b. **Education** - refers to all types and levels of education, includes access to education, the standard and quality of education, and the conditions under which is given.
- c. **Employment** - existence of an employer-employee relationship, which is determined by the four-fold test 1) selection of the 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 workers. In legitimate contracting or sub-contracting arrangements, the contractor/subcontractor shall be deemed the employer of the contractual employee.
- d. **Gender** - refers to the attitudes, feelings, and behavior that a given culture associates with a person's biological sex. Behavior that is compatible with cultural expectations is referred to as gender-normative; behaviors that are viewed as incompatible with these expectations constitute gender non-conformity;
- e. **Gender expression** - refers to the way in which a person acts to communicate gender within a given culture. A person's gender expression may or may not be consistent with socially prescribed gender roles, and may or may not reflect his or her gender identity. It also refers to all of the external characteristics and behaviors that are socially defined as either masculine or feminine, such as dress, grooming, mannerisms, speech patterns and social interactions;


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CITY VICE MAYOR

HON. FRANCISCO J. CASTRO
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HON. LUIS ALFONSO M. ARCEGA
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HON. EDUARDO F. DOMINGO
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HON. JUAN CARLOS P. MACAY
CITY COUNCILOR

HON. DOMINIC S. SAN D. DEGO
CITY COUNCILOR

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- f. **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 body (which may involve, if freely chosen, modification of bodily appearance or function by medical, surgical or other means) and other expressions of gender, including dress, speech and mannerism;
 - g. **Harassment** - an act of unwanted or annoying actions of one party or a group for the purpose of ridiculing, intimidating, or threatening the other which creates a hostile environment or making the one subject to the act anxious or fearful;
 - h. **LGBTQI** - refers to a diverse and complex range of identities based on sexual orientation, gender identity and expression (herein referred to as "SOGIE"). The term "LGBT" refers to gender and sexuality non-conforming persons, including, but not limited to lesbian, gay, bisexual, and transgender, intersex and queer persons.
 - i.1 **Lesbian** -a woman whose emotional, romantic, and sexual energies are geared towards other women;
 - i.2 **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;
 - i.3 **Bisexual** - a person who is emotionally and/or physically attracted to members of both the same and the opposite sex;
 - i.4 **Transgender** - is the state of one's gender identity self-identification as woman, man or neither) not matching one's "assigned sex" (identification by others 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;
 - i.5 **Queer** - those who are gender non-conforming and who do not want to be defined by any of the label;
 - i.6 **Intersex** - those who are naturally born and possesses both male and female organs.
 - 1. **Ridicule** - refers to a behavior that results in the public shaming or embarrassment of a person which could result in the loss of self-esteem, reputation, or employment of the latter;
 - j. **Sex** - is a human and civil status of a person acquired by birth having organ and system of reproduction;
 - k. **Sexual Orientation** - refers to each person's capacity for profound emotional, affectional and sexual attraction to, and intimate and sexual relations with individuals of a different gender or the same gender or more than one gender;
 - l. **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 results in discrimination when acted upon;
 - m. **Vilification** - refers to a behavior made in public that incites hatred or serious contempt of a person or group of people;

Section 4. - PROHIBITED ACTS/ACTS OF DISCRIMINATION - Discrimination is committed when a person treats another less favorably based on their sexual orientation, gender identity and expression than when 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 SOGIE in public or private employment by:
 - a. Denying or limiting rights to training, recruitment, promotion, remuneration and other terms and conditions of employment;
 - b. 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 the City of Malolos;
 - c. Excluding membership in labor unions or similar organizations;
 - d. Subjecting any employee to workplace harassment or any threat of physical, mental and verbal violence, intimidation or other threatening disruptive behavior committed by the employer, or by another employee; and
 - e. Dismissing the employee or subjecting the employee to any other detriment.

HON. NOEL G. PINEDA
CITY VICE MAYOR

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HON. MIGUEL CARLOS B. SOTO
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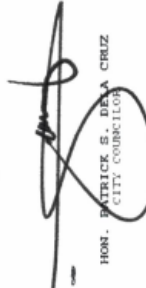
HON. LUIS ALFONSO M. ARCEGA
CITY COUNCILOR

HON. EDUARDO F. DOMINGO
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HON. SAGORILE F. SARAY
CITY COUNCILOR

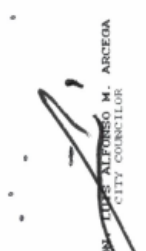
HON. DENISE D. SAN DIEGO
CITY COUNCILOR

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2. **Discrimination in Education** - It shall be unlawful for any educational institution, both public and private, along with the institution's officers and employees, to discriminate against a person on the basis of actual or perceived SOGIE thereof by:
- a. Unduly delaying, refusing, or failing to accept a person's application or admission as a student, without prejudice to the right of educational institutions to determine the academic qualifications of their students;
 - b. Providing onerous or unjust terms and conditions for admission or graduation of a person as a student;
 - c. Denying or limiting the students access to any benefit provided for by the educational authority;
 - d. Expelling or subjecting the student to any penalty or any other detriment;
 - e. Refusing admission, denying acceptance or expelling or dismissing a student from academic, socio-civic organization and associations; and
 - f. Subjecting any student to harassment, bullying, or any threat of physical, mental and verbal violence, intimidation or other threatening disruptive behavior 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 basis of actual or perceived SOGIE by:
- a. Refusing to provide goods or services and/or imposing onerous terms and conditions to a person on the basis of actual or perceived 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 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 on the basis of actual or perceived SOGIE by:
- a. Refusing or failing to allow any person to avail of services or accommodation in an apartment, subdivision, 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** - Without prejudice to crimes against honor, unjust vexation, and other national laws, any person, natural or juridical, is hereby prohibited from vilifying or ridiculing any person on the basis of actual or perceived SOGIE which could result in the loss of self-esteem, reputation, or employment 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 or displaying any material in public which incites hatred towards, or serious contempt for, or severe ridicule of a person unless it is made as a legitimate political expression towards public or elected persons; and
 - d. Doing any other analogous act/s of ridicule in any time and place which could intimidate or result in loss of self-esteem of the person.
6. **Harassment, Unjust Detention and Involuntary Confinement** - Without prejudice to existing laws, it shall be unlawful to commit harassment, unjust detention and involuntary confinement on the basis of actual or perceived 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, showing malls, and other places of entertainment and other businesses which are open to the general public; or to refuse to attend to, or serve any orders for food, drinks and other goods, consumable and non-consumable; or to subject one to discrimination or harassment in public transportation on the basis of actual or perceived SOGIE.


HON. PATRICK S. DE LA CRUZ
CITY COUNCILOR


HON. DIONISIO C. MERCEDA
CITY COUNCILOR

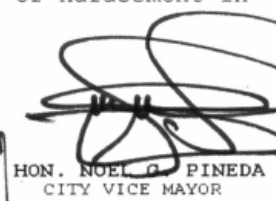

HON. MIGUEL CARLOS B. SOTO
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HON. EUSEBIO M. ARCEGA
CITY COUNCILOR


HON. EDGARDO F. DOMINGO
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HON. MARIBEL B. SALENY
CITY COUNCILOR


HON. DONALD S. DIEGO
CITY COUNCILOR


HON. NOEL G. PINEDA
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8. Revoking any accreditation, recognition, registration of any organization in educational institutions, workplaces, and communities on basis of their actual or perceived SOGIE.
 9. **Promotion of Discrimination** - Without prejudice to existing laws, it shall be unlawful to organize groups and activities which promote and incite discrimination against persons based on the basis of actual or perceived SOGIE.
 10. **Any Other Analogous Act** - Any act of discrimination or harassment on the basis of actual or perceived SOGIE, which demeans the dignity and self-respect of a person or impairs, harms, reduces or nullifies the recognition, enjoyment or exercise of a person's human and legal rights and basic freedoms in the civil, political, labor, economic, social, cultural, religious, educational spheres, and other spheres.

Section 5. - AFFIRMATIVE ACTS - To ensure that the rights of lesbian, gay, bisexual, transgender, queer and intersex (LGBTQI) persons are protected and respected, the following plans and programs shall be adopted in employment, education, delivery of goods and services, accommodation, and other areas, to wit:

1. Affirmative Acts in Employment

- a. **Wage and Benefits** - Every employer in the City of Malolos shall comply with the minimum wage as stipulated by the Regional Wage Board or as stipulated by pertinent national laws and shall grant all lesbian, gay, bisexual, transgender, queer and intersex (LGBTQI) the 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 Diversity Training Certificate** - All private offices, commercial or industrial establishments located in the City of Malolos shall encourage a stigma-free environment by implementing an annual diversity training or orientation as well as gender-sensitivity, and gender responsive programs for all employees, which aims to reduce and eliminate all forms of discrimination on the basis of actual or perceived SOGIE;
- c. **Internal Anti-discrimination mechanisms** - All private offices, commercial or industrial establishments located in the City of Malolos shall develop and implement internal redress mechanism to address cases of discrimination and grant administrative remedies or sanctions for such cases;
- d. **Communication** - All government agencies, private offices, and commercial or industrial establishments located in the City of Malolos shall ensure that their marketing and communication strategy promote and uphold the values of diversity and equality grounded on the recognition, protection, and promotion of the inherent dignity of every human person;
- e. **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 the ordinance shall be posted in two conspicuous places in the office where the business is located; and

2. Affirmative Acts in Education

- a. **Equal Access to Education Opportunities** - The City Government of Malolos shall ensure equal access to opportunities for lesbian, gay, bisexual, transgender, queer and intersex (LGBTQI) persons in various trainings and scholarships.
- b. **Availability of Anti-Discrimination Materials** - All schools, colleges, universities and other educational and training institutions, whether public or private, located in the City of Malolos, shall develop and make available resource materials on equality, diversity, human dignity, and empowerment, including laws and ordinances pertinent to the elimination of any form of discrimination basis of actual or perceived SOGIE; and
- c. **Elimination of Gender Stereotyping** - All schools, colleges, universities and other educational and training institutions, whether public or private, located in the City of Malolos, 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


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CITY COUNCILOR

HON. DENNIS M. SAN DIEGO
CITY COUNCILOR

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- 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 Health Care

- a. Health Services - In order to ensure that health care services shall be provided in a non-discriminatory manner, the City Government of Malolos, through the City Health Office, shall:
 - i. Extend quality health care services and information on reproductive health without regard to one's actual or perceived SOGIE;
 - ii. Monitor and ensure that provisions for gender-sensitive, gender responsive and accessible health services for lesbians, gays, bisexuals, transgender, queer, and intersex (LGBTQI) are available both at the hospitals within the City and in Barangay Health Centers;
 - iii. Develop and implement 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 seminars, orientations and education activities; and
 - iv. 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.

SECTION 6. - PERSONS LIABLE - Any person, natural or juridical, who commits any of the acts herein prohibited and enumerated in the immediately preceding section shall be liable therefore, and penalized accordingly, provided that in the case of a juridical person such as, but not limited to, whether public or private, the manager, head and the officers thereof shall be liable.

SECTION 7. - EXCEPTIONS - Any action or conduct, otherwise prohibited under Section 4 of this Ordinance shall not be unlawful and shall not be considered as discrimination if based on the following:

- 1. Good Faith Occupational Qualifications - where any of the protected attributes are bona fide occupational qualifications reasonably necessary to the normal operation of the particular business or where the differentiation is based on reasonable factors. The employer must certify that (1) the employment qualification is reasonably related to the essential operation of the job involved; and (2) that there is factual basis for believing that all or substantially all persons meeting the qualification would be unable to properly perform the duties of the job; and
- 2. Inherent Requirement - Where distinction, exclusion, or preference in respect of a particular job is based on inherent requirement and such is proportionate means of achieving a legitimate aim.

Section 8. - CREATION OF THE MALOLOS GENDER-FAIR COUNCIL - There is hereby created the Malolos Gender-Fair Council, otherwise known as the Council, composed of the following, namely:

- Chairperson - City Mayor or his/her duly authorized representative
- Co-Chairperson - City Vice Mayor or his authorized Representative
- Vice Chairperson - Chairperson, SP Committee on Gender and Development
- Members - 2 Representatives, from the Malolos LGBTQI Community who are bona fide members of any LGBTQI+ organization of Malolos.

The Malolos Gender-Fair Council may invite the following as resource persons in the exercise of the Council's functions:

HON. FRANCISCO J. CASTRO
CITY COUNCILOR

HON. NINO CARLO C. BAUTISTA
CITY COUNCILOR

HON. KIRA LOUIS NICOLAS
CITY COUNCILOR

HON. MICHAEL M. AQUINO
CITY COUNCILOR

HON. ENRICO C. CAPULE
CITY COUNCILOR

HON. NOEL G. PINEDA
CITY VICE MAYOR

HON. PATRICK S. DELA CRUZ
CITY COUNCILOR

HON. DIONISIO C. MENDOZA
CITY COUNCILOR

HON. MIGUEL CARLOS B. SOTO
CITY COUNCILOR

HON. LUIS ANTONIO M. ARCEGA
CITY COUNCILOR

HON. EDUARDO F. DOMINGO
CITY COUNCILOR

HON. EMANUEL R. SACA
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HON. DENNIS D. SAN DIEGO
CITY COUNCILOR

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1. Head of the City Health Office
 2. Head of the Public Employment and Services Office (PESO)
 3. Head of the City Social Welfare and Development Office (CSWDO)
 4. Head of the City Arts, Culture, Tourism, Youth & Sports Division,
 5. Superintendent of the Division of Public schools in Malolos (Department of Education), CHED;
 6. Representative, from Malolos Council for Women (*Konsehong Panlungsod para sa Kababaihan ng Malolos*)

Section 9. - FUNCTIONS OF THE MALOLOS GENDER-FAIR COUNCIL - The Council's functions are the following:


1. Oversee the implementation of this Ordinance and other existing laws, regulations and guidelines relevant to the protection and promotion of the LGBTQI rights;
2. Integrate and synchronize programs, projects, and activities for the LGBTQI community;
3. Coordinate with the concerned National Government Agencies for the promotion of gender development and continuing education relative to LGBTQI rights;
4. Conduct trainings and livelihood programs for the LGBTQI community in coordination with the different Department/offices of the City Government and Private Agencies.
5. Monitor complaints concerning violations of any provision of this Ordinance
6. Facilitate and assist the victims of stigma and discrimination to ensure that they have legal representation, counselling and psychological assistance;
7. Maintain discrimination case documentation, case monitoring system, and set up a databank to easily access various cases and experiences of stigma and discrimination; and
8. Monitor or review all policies embodied in resolutions, ordinances, codes and other policy documents of the City of Malolos to determine if they are free from discriminatory statements and provisions, and recommend to the Sangguniang Panlungsod the necessary amendments of those provisions to effectively eliminate discrimination, stigma, and stereotyping of LGBTQIs.

SECTION 10. - GENDER-FAIRNESS FOCAL PERSON - The City Mayor shall designate a Gender-Fairness focal person from the existing personnel of the City Social Welfare and Development Department or other allied offices who shall have the following responsibilities:

1. Shall act as the Secretariat of the Malolos Gender-Fair Council;
2. Shall develop, implement, evaluate, and monitor programs, projects, and other initiatives related to the promotion of equality and diversity in the community, workplace, school, and household, including anti-discrimination seminars in coordination with civil society, government agencies, youth-organizations and private business groups;
3. Shall monitor the compliance of the Affirmative Action programs in both public institutions and private offices, commercial or industrial establishments located in City of Malolos in accordance with this Ordinance;
4. Shall create a system of recognition, awards, and other incentives that recognize and highlight public institutions and private offices, commercial or industrial establishments located in the City of Malolos that promote diversity and equality in the workplace; and
5. Shall create committees, sub-committees, task-forces, and other similar bodies as may be necessary to fully implement this Ordinance

SECTION 11. - ROLE OF THE BARANGAY - Every Barangay in the City of Malolos is mandated to establish an LGBTQI Desk which shall have the following functions:

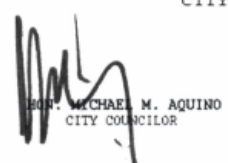
1. Receive complaint for violation of this Ordinance and attend to the same pursuant to the Katarungang Pambarangay law, if applicable, and for this purpose shall ensure the creation of an LGBTQI Assistance Desk to safeguard the rights and interests of the aggrieved member/s of said community;
2. Document any incidents of physical, emotional or psychological abuses directed against LGBTQI and periodically report the same to the Council;
3. Assist LGBTQI members in filing the appropriate complaint and legal action against those who will violate this Ordinance;
4. Facilitate and coordinate the City's programs for the benefit of the LGBTQI Community; and
5. Perform such other functions that the Council may, from time to time, formulate in relation to this Ordinance.


HON. NOEL G. PINEDA
CITY VICE MAYOR

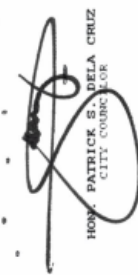
HON. FRANCISCO J. CASTRO
CITY COUNCILOR

HON. NINO CARLO C. BAUTISTA
CITY COUNCILOR


HON. ERIK LOUIS NICOLAS
CITY COUNCILOR


HON. MICHAEL M. AQUINO
CITY COUNCILOR

HON. ENRICO C. CAPULE
CITY COUNCILOR


HON. PATRICK S. DELA CRUZ
CITY COUNCILOR


HON. DIONISIO C. MENDEZ
CITY COUNCILOR


HON. MIGUEL CARLOS B. SOTO
CITY COUNCILOR


HON. LUIS ALFONSO M. ARCEGA
CITY COUNCILOR


HON. EDGARDO F. DOMINGO
CITY COUNCILOR


HON. EMANUEL R. SACAY
CITY COUNCILOR


HON. DENNIS D. SAN DIEGO
CITY COUNCILOR

SECTION 12. - WHERE AND HOW TO FILE A COMPLAINT - Any person whose rights against discrimination, as defined under this Ordinance, has been violated, may file a complaint to the Punong Barangay where the resident of the violator/s is/are located. In the event the prohibited acts were committed in workplace, schools, universities and similar establishments, the complaint shall be filed in the Barangay where the said workplace, schools, universities and establishment is located.

SECTION 13. - APPROPRIATION - For the effective implementation of this Ordinance, the City Government shall source out funds from the annual budget appropriated to finance the Gender and Development (GAD) plans, projects and programs.

Section 14. - DIVERSITY AND EQUALITY PROGRAMS - The City Government of Malolos shall endeavor to ensure that discrimination is prevented and effectively addressed through Capacity Building, Information Campaign, Discrimination Stigma Studies and Data-banking, Discrimination and Stigma Monitoring, Policy Review, and Diversity and Equality Seminars.

Section 15. - PENALTIES - The following penalties for violations of Section 4 are hereby imposed as follows:

1. First offense: The offender shall be penalized with a fine of One Thousand Pesos (Php 1,000.00) or imprisonment of not more than ten days and shall undergo a mandatory Anti-Discriminatory Seminar;
2. Second offense: The offender shall be penalized with a fine of Three Thousand Pesos (Php 3,000.00) and undergo a mandatory Anti-Discriminatory Seminar or an imprisonment of not more than three months;
3. Third and subsequent offenses: The offender shall be penalized with a fine of Five Thousand Pesos (Php 5,000.00) for each incident and undergo a mandatory Anti-Discriminatory Seminar or an imprisonment of not more than one year but not less than three months; and
4. A business establishment which commits a clear and consistent pattern or practice of discrimination shall have its business permit revoked, suspended, or not renewed upon recommendation by the Malolos Gender-Fair Council, after notice and hearing.

Section 16. - IMPLEMENTING RULES AND REGULATIONS - Within sixty (60) days from the approval of this Ordinance, the Gender Fairness focal person and the Malolos Gender Fair Council, in coordination with other agencies or offices, shall promulgate the Implementing Rules and Regulations which shall govern the Commission Proceedings and rules of succession, substitution, discipline, and representation among the members of the Commission.

Section 17. - INFORMATION CAMPAIGN - Within thirty (30) days from the approval of this Ordinance, the Gender Fairness focal person and the Malolos Gender Fair Council in coordination with the City Information Office and such other offices or agencies, shall conduct an information campaign to apprise the public of the provisions of this ordinance and to post Information Campaign materials in conspicuous places within the city.

Section 18. - SEPARABILITY CLAUSE - If any portion or provision of this Ordinance is declared void and unconstitutional, the remaining portions thereof shall remain in full force and effect.

Section 19. - REPEALING CLAUSE - Any provision of law or regulation inconsistent herewith is hereby repealed, revoked or modified accordingly.

Section 20. - EFFECTIVITY CLAUSE - This Ordinance shall take effect fifteen (15) days after its publication in a newspaper of general circulation. It shall remain valid until revoked, amended, or repealed by subsequent issuances.

APPROVED.

HON. FRANCISCO J. CASTRO
CITY COUNCILOR

HON. NINO CARLO C. BAUTISTA
CITY COUNCILOR

HON. KYLE LOUIS NICOLAS
CITY COUNCILOR

HON. MICHAEL M. AQUINO
CITY COUNCILOR

HON. ENRICO C. CAPULE
CITY COUNCILOR

HON. NOEL S. PINEDA
CITY VICE MAYOR

HON. PATRICK S. DELA CRUZ
CITY COUNCILOR

HON. DIONISIO C. MENDOZA
CITY COUNCILOR

HON. MIGUEL CARLOS B. SOTO
CITY COUNCILOR

HON. JOSE ALFONSO M. ARCEDA
CITY COUNCILOR

HON. EDUARDO F. DOMINGO
CITY COUNCILOR

HON. ENRIQUETA R. SAGAY
CITY COUNCILOR


HON. DENISE D. SAN PIERO
CITY COUNCILOR

-----x

****HON. FRANCISCO J. CASTRO**
City Councilor


HON. KIRK LOUIS NICOLAS
City Councilor

****HON. ENRICO C. CAPULE**
City Councilor


HON. EMMANUEL R. SACAY
City Councilor


HON. LUIS ALFONSO M. ARCEGA
City Councilor

HON. DIONISIO C. MENDOZA
City Councilor - ABC President

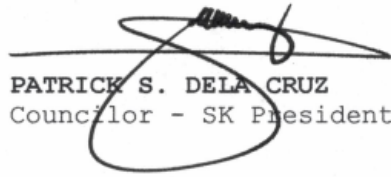
****HON. NIÑO CARLO C. BAUTISTA**
City Councilor


HON. MICHAEL M. AQUINO
City Councilor

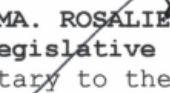
HON. DENNIS D. SAN DIEGO
City Councilor

****HON. EDGARDO F. DOMINGO**
City Councilor

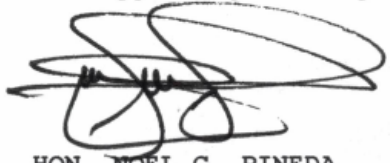
****HON. MIGUEL CARLOS B. SOTO**
City Councilor


HON. PATRICK S. DELA CRUZ
City Councilor - SK President

I HEREBY CERTIFY that the aforementioned City Ordinance was duly approved by the Sangguniang Panlungsod of Malolos.

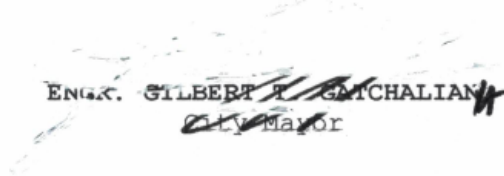

MA. ROSALIE SP. CRUZ
Local Legislative Staff Officer V
Temporary Secretary to the Sangguniang Panlungsod

ATTESTED BY:


HON. NOEL G. PINEDA
City Vice Mayor - Presiding Officer

APPROVED/DISAPPROVED:

Date of Approval:


ENGR. GILBERT F. GATCHALIAN
City Mayor

*absent

**left the session prior to the period of 3rd reading

DhorieTrogo*03212022