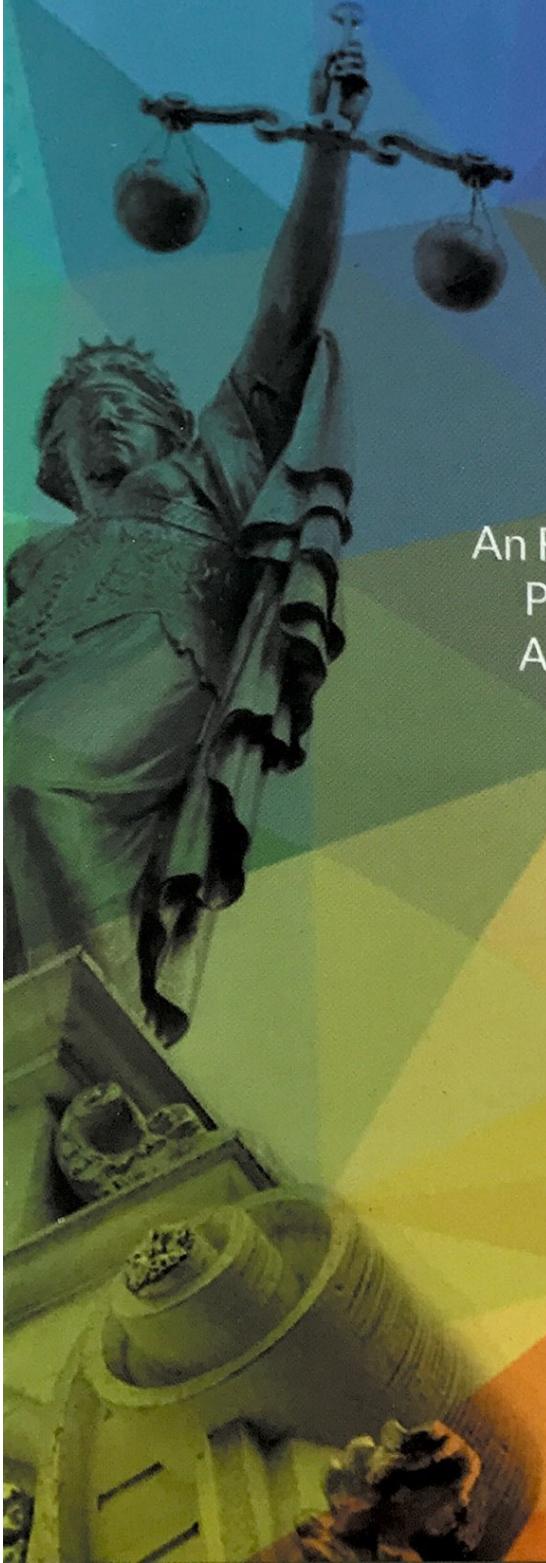


# ADVANCING CHANGE



An FAQ and best practices handbook to aid  
Philippine LGUs in operationalizing their  
Anti-Discrimination Ordinances through  
Implementing Rules and Regulations



RAINBOW RIGHTS PHILIPPINES

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RAINBOW RIGHTS PHILIPPINES

Rainbow Rights Philippines is a non-profit and non-partisan non-governmental organization that works to create an environment that genuinely upholds human rights for all and ensures equal opportunities for everyone regardless of their sexual orientation and gender identity/expression (SOGIE). It is a legal organization formed by a talented team of gay and lesbian lawyers that is now comprised of gender activists from diverse fields who understand the needs of the lesbian, gay, bisexual and transgender (LGBT) community and the local, regional and global dynamics of SOGIE advocacy – teachers, writers, artists, media professionals, financial experts and entrepreneurs who together are creatively using their diverse range of skills to help shape a better and more inclusive future for all.

Created in 2005, Rainbow Rights supports Philippines SOGIE supports Philippine SOGIE human rights advocacy through in-depth legal and policy studies, and by ensuring that the law and legal institutions are not used as instruments of oppression and discrimination and do not further reinforce gender stereotypes. Rainbow Rights is working towards the creation of a genuinely inclusive national human rights agenda that recognizes and responds to the particular vulnerabilities and deprivations faced by Filipino LGBT people. It also works to empower LGBT people. It also works to empower LGBT people by providing them with basic legal knowledge about their rights and familiarizing them with different legal structures and mechanisms. Since its inception, Rainbow Rights has significantly contributed to the promotion and visibility of LGBT human rights in the Philippines, and has established working partnership with a range of government agencies, including the Department of Social Welfare and Development, the Bureau of Jail Management and Penology and the Civil Service Commission, the Commission on Human Rights and civil society organizations, which has helped engender a broader institutional and societal understanding of the need for proper legal protections for LGBT people in the Philippines.

#### DISCLAIMER:

This handbook is a result of legal dialogues and desktop research conducted by Rainbow Rights Project Inc. with external contributions. It is meant to be an advocacy guide and does not claim to be comprehensive and accurate manual. The view, interpretation and findings do not necessarily reflect those of Rainbow Rights, the US Embassy-Manila, and the Fund for Global Human Rights (FGHR).

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# FOREWORD

Working to prevent discrimination in employment, housing, and access to government services has long been and remains the policy of the United States. The U.S. Embassy in the Philippines is proud to reinforce this principle by supporting fantastic grassroots organizations like Rainbow Rights. Their well-timed efforts have helped local governments throughout the country move toward effective implementation of anti-discrimination ordinances. We are happy to have played a role in supporting their tireless efforts to advance human rights.

**Sung Kim**

United States Ambassador to the Philippines

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# ACRONYMS

Sexual Orientation Gender Identity And Expression (SOGIE)  
Lesbian, Gay, Bisexual And Transgender (LGBT)  
Local Government Unit (LGU)  
Implementing Rules And Regulations (IRR)  
Anti-Discrimination Ordinances (ADO)  
Human Immunodeficiency Virus (HIV)  
Gender And Development (GAD)  
Persons Living With Human Immunodeficiency Virus (PLHIV)  
Persons With Disability (PWD)  
Transgender (TG)  
Executive Order (EO)

# EXECUTIVE SUMMARY

The Anti-Discrimination Bill has not been passed by the Philippine Congress for almost two decades, and in the interim, advocates have pushed for the passing of anti-discrimination ordinances in local government units. While these provide area-bound, uneven, and limited protection for persons of diverse sexual orientation and gender identity and expression only in certain local government units, their presence speaks truth to power that discrimination is real and is a matter of public concern, and also highlights the need for protective legislation that would provide national coverage for all.

This handbook provides an analysis of the provisions of the anti-discrimination ordinances in the following areas: Batangas Province, Batangas City, Puerto Princesa, Cebu City, Mandaue City, Davao City, and Dinagat Islands with respect to (1) employment, education, compulsory school uniforms, access to toilets, health services, goods, services, and accommodation; (2) how they address public ridicule, forced psychological or physical examination, and stigma, as well as the use of affirmative acts and awareness campaigns, and (3) onfunding, penalties, liabilities, and law enforcement. It looks into the implementing rules and regulations that would ensure access to the redress mechanism in the ordinances. It also includes a snapshot of laws including the Philippine AIDS Prevention and Control Act that may be used to address current issues of discrimination.

It presents this information in question and answer format that also includes those frequently asked SOGI-related questions sourced from the events and activities undertaken in this project.

# INTRODUCTION TO THE PROJECT

We are pleased to present this handbook containing frequently asked questions (FAQs) on factual and legal issues regarding Sexual Orientation, Gender Identity and Expression (SOGIE) and Anti-Discrimination Ordinances (ADOs), specifically, the ADOs of the provinces of Batangas, Dinagat Islands, and the cities of Batangas, Puerto Princesa, Cebu, Mandaue, and Davao. This handbook is in conjunction with the project of Rainbow Rights Philippines and the US Embassy in Manila entitled "Advancing Change: A Project to Operationalize ADOs thru Implementing Rules and Regulations.

These FAQs were gathered in the workshops and seminars provided by Rainbow Rights Philippines for duty bearers and rights holders of the different provinces and cities. The matrices containing a comparative content analysis of the subject ADOs were done through a perusal of the provisions of the ADOs and feedback directly from the participants particularly as to their intentions. We have identified these ADOs' response or absence of provision that are salient to the enforcement and effectiveness of these ADOs such as penalties they provide, the prohibited acts under them, and the public local agency to enforce them, to name a few.

We hope that this handbook serves as one of the tools in understanding SOGIE in the context of local government administration and legislation. We also hope that this handbook highlights the importance, if not the indispensability, of the local government as a partner in the effort to make our society more inclusive and diverse.

## I. Ordinances and SOGIE concepts

### **What are ordinances?**

These are municipal/city/provincial legislation, passed by local councils. An ordinance is only applicable in the same area/jurisdiction of the council that passed it.

### **Why push for ordinances and not the national law?**

There have been past and current efforts to push for the passage of the Anti-Discrimination Bill in the Philippine Congress. However, the bill has remained unpassed for eighteen years. September of 2017 saw a triumph in the passage of the lower house version in the House of Representatives but the Senate version remains unpassed as of the time of writing. While advocates and the community await its passage, in order to empower and protect the LGBTQIA community the move has been to support the creation and implementation of anti-discrimination ordinances. Though they are of limited application only in their respective jurisdictions, the ordinances are able to help address issues of discrimination.

### **Since there are ordinances already, why still push for a national law?**

The ordinances are limited in application. A person who doesn't live in Quezon City, for example, cannot avail of the Gender Fair Ordinance there as it only applies to Quezon City. There is also the issue of uniformity. Not all ordinances are the same in their provisions: Some have more exhaustive provisions, while some are rather limited and the effect is that some citizens have more protection while others have less. Also, only a handful of the ordinances have their own implementing rules and regulation (IRR) so only a handful are readily available to possibly aggrieved citizens.

### **What are Implementing Rules and Regulations?**

From the term itself, these are rules that detail the implementation of a law or policy, it often deals with the more specific aspects of the operationalization of the main law or policy. For instance, details on where to file a complaint, how to file, functions of implementing bodies etc.

### **Are implementing rules and regulations(IRR) a must before one can avail the redress in the ordinances?**

Generally yes, if the ordinance itself provides that it needs an IRR. However, there have been cases where the city/municipal/provincial legislative body itself treats the ordinance as self-executing. In some of these instances, it can be observed that existing departments/agencies in the local government, de facto, handle/manage/facilitate complaints of violations of the ordinances without any additional formal regulations.

## What areas have their own Anti-Discrimination Ordinances (ADOs)?

As of September 2018:

- Cities: Angeles, Antipolo, Bacolod, Baguio, Batangas, Butuan, Candon, Cebu, Dagupan, Davao, General Santos, Iloilo, Mandaue, Mandaluyong, Quezon City, Puerto Princesa, and Vigan
- Provinces: Agusan Del Norte, Batangas, Cavite, Dinagat Islands, Ilocos Sur, and Iloilo
- Municipality: San Julian in Eastern Samar
- Barangays: Bagbag, Greater Lagro, and Pansol, all in Quezon City.

## Are there other national laws that pertain to Sexual Orientation and Gender Identity and Expression (SOGIE) issues?

*Even though most laws are not explicit in the use of the term SOGIE, there are laws that are applicable. For example, in the Philippine Constitution, the Bill of Rights contains the applicable provision.*

- The 1987 Philippine Constitution Article III, Sec 1 mandates that, “no person shall be deprived of life, liberty, or property without due process of the law, nor shall any person be denied the equal protection of the laws.”

*Likewise, applicable provisions are contained in the following national legislation and policies:*

- Republic Act No. 9710, the Magna Carta of Women, Sec 3 declares that “All individuals are equal as human beings by virtue of the inherent dignity of each human person. No one, therefore, should suffer discrimination on the basis of ethnicity, gender, age, language, sexual orientation, race, color, religion, political, or other opinion, national, social, or geographical origin, disability, property, birth, or other status as established by human rights standards.”
- The Women’s Empowerment, Development and Gender Equality Plan (Women’s EDGE Plan) for 2013-2016 as the gender equality guiding plan of the Philippine Development Plan 2011-2016, includes a sub-chapter on lesbian, gay bisexual and transgender (LGBT) people as belonging to vulnerable groups. It tackles the social development rights of the LGBT sector in response to cases of human rights violations that target them because of their actual or perceived sexual orientation or gender identity. This is the first in the country’s history for a framework plan for women to specifically include a sub-chapter on LGBT people.
- Republic Act No. 10627 or the Anti-Bullying Act of 2013 includes gender-based bullying as an act constituting bullying which is a prohibited and punishable act. Gender-based bullying is defined by the implementing rules and regulations as “any act that humiliates or excludes a person on the basis of perceived or actual sexual orientation and gender identity (SOGI).”
- The Civil Service Commission Resolution No. 01-0940 on Administrative Disciplinary Rules on Sexual Harassment Cases includes sexual orientation as a status that can be factored in sexual harassment cases. Rule X, Sec 53 (B) provides

that "Less Grave Offenses shall include, but are not limited to: xxxx. Derogatory remarks or innuendoes directed toward the members of one's sex, or one's sexual orientation or used to describe a person."

- The Department of Education in May 2012, issued DepEd Order No. 40 or the DepEd Child Protection Policy which seeks the protection of children in schools from any form of violence regardless of sexual orientation and gender identity.
- The Commission on Human Rights Gender Ombud Guidelines issued in 2016 pursuant to their mandate under the Magna Carta of Women, state that it can investigate complaints from "persons of diverse sexual orientation and gender identity and expression".

**Is it illegal or criminal to be an LGBTQIA (lesbian, gay, bi, trans, queer [can also refer to questioning], intersex, asexual [can also refer to allies]) person in the Philippines?**

No. the Philippines doesn't criminalize the status of being LGBTQIA or engaging in a same-sex or gender non-conforming relationship for as long it is consensual, both parties are of age, and not violative of other laws.

**What is SOGIE?**

SOGIE is an acronym that pertains to Sexual Orientation, Gender Identity and Gender Expression. The term is now expanded to include sex characteristics.

**What is Sexual Orientation (SO)?**

It is the attraction towards the same sex (homosexual), opposite sex (heterosexual), both sexes (bisexual). All persons have sexual orientation. It just varies. Also, note that there are other types of sexual orientation apart from those enumerated above and there could be other types in the future that have yet to be labelled or identified.

**What is Gender Identity (GI)?**

It is a person's sense of maleness or femaleness regardless of their assigned sex at birth. It talks about how a person sees himself or herself that may or may not be the same as what the doctors assigned to him or her when she or he was born. Those whose gender identity match with what was assigned to them are called Cisgender Persons. Those whose gender identity do not match what was assigned to them are Transgender Persons. Being transgender or cisgender only covers the aspect of gender identity, it does not in any way reflect the person's sexual orientation. Therefore, knowing that a person is Cisgender or Transgender is not enough to make assumptions about whom they are attracted to. For example, a cisgender woman, same as a transgender woman, can be attracted to men, women, or both or to none at all. Being transgender only means she identifies as a woman, it doesn't answer the sexual orientation question just yet.

### What is Gender Expression (E)?

Gender expression also doesn't automatically determine gender identity or sexual orientation. It is not the sole basis for determining a person's sexual orientation or gender identity. The way a person is dressed, or the way the person moves or speaks, or wears his/her hair, doesn't automatically tell us who they are attracted to or how they see themselves. Those aspects are independent from each other. Example, a female who likes to dress up in typically masculine clothing is not automatically a lesbian because that could very well be her gender expression that has nothing to do with her sexual orientation.

Hetero Male		Hetero Female
Male	Assigned Sex/Gender	Female
↓		↓
Male/Boy/Man	Gender Identity	Female/Girl/Woman
↓		↓
Feminine/Masculine/Androgynous	Gender Expression	Feminine/Masculine/Androgynous
↓		↓
Attracted to Women	Sexual Orientation	Attracted to Men

Gay Man		Lesbian
Male (cisgender or transgender)	Assigned Sex/Gender	Female (cisgender or transgender)
↓		↓
Male/Boy/Man	Gender Identity	Female/Girl/Woman
↓		↓
Feminine/Masculine/Androgynous	Gender Expression	Feminine/Masculine/Androgynous
↓		↓
Attracted to Men	Sexual Orientation	Attracted to Women

Bisexual Man		Bisexual Woman
Male (cisgender or transgender)	Assigned Sex/Gender	Female (cisgender or transgender)
↓		↓
Male/Boy/Man	Gender Identity	Female/Girl/Woman
↓		↓
Feminine/Masculine/Androgynous	Gender Expression	Feminine/Masculine/ Androgynous
↓		↓
Attracted to Men/Women	Sexual Orientation	Attracted to Women/Men

Transwoman		Transman
Male	Assigned Sex/Gender	Female
↓		↓
Female/Girl/Woman	Gender Identity	Male/Boy/Man
↓		↓
Feminine	Gender Expression	Masculine
↓		↓
Attracted to Men/Women	Sexual Orientation	Attracted to Women/Men

\*The chart is but a guide. In case of difference between the chart and how a person identifies, respect the choice of the person. What holds is how the person identifies.

### How should one address Transmen or Transwomen?

It is best to ask how a person wishes to be addressed rather than assume. If a Transwoman indicates a feminine name, then call her by such name and refer to her using pronouns used for women as you would use pronouns used for men for Transmen. Note that this of course doesn't mean that it could already become their legal names, the current laws in the Philippines mandate specific legal processes for name/gender marker changes.

### Why the terms? Isn't it better if there are no terms so it is less complicated?

Yes. In an ideal world, gender identity or sexual orientation should be immaterial with all the terms being irrelevant. However, in a society where the sector is invisibilized it is first necessary to discuss, discourse, and educate. The fact that some persons and identities have no terms in our language is already an indicator that it is not recognized, much less, protected. For example, the term Transgender, has yet to have its own direct, most accurate translation in the Philippine language. Oftentimes, when sectors are unnamed, it also means there are no programs or interventions that cater to them as well.

### Isn't SOGIE a foreign concept we are unfairly applying to our culture?

The terms might seem foreign however their meanings are not. In fact, in pre-colonial Philippines, our ancestors respected and believed that gender is fluid and not binary. While most modern resources are from outside of the country and most terms are borrowed from others, the respect for Human Rights is a Filipino value that is also enshrined in our domestic laws.

### Doesn't it go against the grain of our religious beliefs as a predominantly Roman Catholic country?

The recognition of the separation of Church and State is clearly enshrined in the Constitution. The Church in the Constitution doesn't only pertain to the Roman Catholic Church. Religious beliefs reflected in our laws doesn't only mean Catholic or Christian

beliefs. There are many other beliefs in the Philippines, some of which respect diversity. To uphold the teachings of one religious institution, despite its predominance, over the rights of the marginalized and often discriminated sector is not the equality the Constitution contemplated. Protection of basic human rights of citizens doesn't trample upon religious beliefs. As a country that is a signatory to many International Human Rights laws, the Philippines is mandated to protect Human Rights for all its citizens, not just those of the most predominant Church's.

### **Is being an LGBT person a choice?**

No. While only the person can say what his or her SOGIE is, it should be understood that the person did not CHOOSE it. This is why the term Sexual Orientation is the more accurate one and not "Preference", precisely because despite misconceptions, attraction is not something a person can turn on or off, like a matter of preference. Also, the way a person senses him/herself is not subject to an off/on button. Many will even share that feelings connected to being LGBTQIA start from childhood when no one has even talked to them about it before. To say therefore that LGBTQIA persons should accept the discrimination and lack of protections since they have chosen the "lifestyle" is absolutely oppressive and erroneous.

### **What are the best terms to use in addressing LGBT persons?**

The general rule is to ask rather than assume. "I don't wish to offend you, but would you mind telling me how you wish to be addressed?" Or similar ways of asking. Oftentimes, terms are ok if you are very familiar with the person and he or she is comfortable with the term. In practice, we try to veer away from the term "third sex" as this of course implies there is a FIRST and a SECOND, a hierarchy that we are strongly against.

## **II. Regarding ADOs covered by the Project**

### **What are the specific ordinances covered in this handbook?**

Area	Batangas Province (Luzon)	Batangas City (Luzon)	Puerto Princesa (Luzon)	Cebu City (Visayas)	Mandaue City (Visayas)	Davao City (Mindanao)	Dinagat Islands (Mindanao)
<b>Title</b>	An Ordinance Prohibiting Discrimination on Sexual Orientation, Gender Identity and Gender Expression For LGBT	Batangas City Gender-Fair Ordinance	Lesbian, Gays, Bisexuals, Trans-gender (LGBTs) Anti-Discrimination Act of Puerto Princesa	An Ordinance prohibiting discrimination on the basis of Disability, Age, Health Status, <b>Sexual Orientation and Gender Identity</b> , Ethnicity, and Religion	Anti-Discriminatory Ordinance for People of Diverse Sexual Orientation, Gender Identity and Expression	An Ordinance Declaring Unlawful, Acts, and conduct of Discrimination Based on Sex, Gender, Identity, Sexual Orientation, Race, Color, Descent, National or Ethnic Origin and Religious Affiliation or Beliefs and Penalizing the Same	Dinagat Islands Anti-Discrimination Ordinance
<b>Date of Enactment</b>	September 23, 2015	June 13, 2016	June 1, 2015	October 17, 2012	February 10, 2016	December 12, 2012	November 20, 2016

\*Note that both Cebu City and Davao cover other statuses not just SOGIE related provisions.

### **Who can be liable?**

All of the ordinances in this project are applicable to any person, natural, or juridical, private or public. A juridical person is a legal entity created by law, for example, corporations who underwent legal compliances in order to come to being.

### **Some of the ordinances contain the phrase “actual or perceived” what does it mean?**

The delineation between actual and perceived has been inserted in many versions of the ADOs to cover instances where persons are discriminated against not because they are actual LGBTQIA persons but because they are perceived to be LGBTQIA persons typically by people who make conclusions about their Sexual Orientation or Gender Identity based on their gender expression. Advocates wanted to make sure that these perceived LGBTQIA persons are also protected. It doesn't automatically mean however that ordinances that do not contain such delineation will not apply to perceived LGBTQIA, for as long as gender identity or expression is in the ordinance instances of discrimination on the basis of these will also be capable of being prosecuted.

### **What are prohibited acts under the ordinances with respect to employment?**

Batangas Province (Luzon)	Batangas City (Luzon)	Puerto Princesa (Luzon)	Cebu City (Visayas)	Mandaue City (Visayas)	Davao City (Mindanao)	Dinagat Islands (Mindanao)
Discrimination in hiring, promotion, dismissal, compensation, training, incentives, privileges, benefits, allowances, and other terms and condition of employment.	Discrimination in hiring, promotion, dismissal, compensation, training, incentives, privileges, benefits, allowances, and other terms and condition of employment.  Excluding membership to labor unions	Discrimination in hiring, promotion, dismissal, compensation, training, incentives, privileges, benefits, allowances, and other terms and condition of employment.  This prohibition shall also include contracting and engaging services of juridical person.	Discrimination in hiring, promotion, dismissal, compensation, training, incentives, privileges, benefits, allowances, and other terms and condition of employment.	Denying access to trainings, recruitment, promotion and remuneration. Limiting opportunities to favorable terms and conditions of employment or advancement in all levels of government service in Mandaue.	Discrimination in hiring, promotion, dismissal, compensation, training, incentives, privileges, benefits, allowances, and other terms and condition of employment.	Discrimination in hiring, promotion, dismissal, compensation, training, incentives, privileges, benefits, allowances, and other terms and condition of employment.  Including all levels of government service and employment in the Province of Dinagat Islands

While most of the ordinances are similar as to prohibiting discrimination on the basis of SOGIE when it comes to hiring, firing, access to benefits, training, promotions, Batangas City, Mandaue, and Dinagat Islands are more explicit with ensuring access to labor unions. Both Mandaue and Dinagat Islands also emphasized that their ordinances also apply to employment in their very own local governments.

#### What are prohibited acts under the ordinances with respect to education?

Batangas Province (Luzon)	Batangas City (Luzon)	Puerto Princesa (Luzon)	Cebu City (Visayas)	Mandaue City (Visayas)	Davao City (Mindanao)	Dinagat Islands (Mindanao)
<p>Discrimination in Admission, Expulsion or Dismissal</p> <p>Access to any benefit</p> <p>Access to academic, socio-civic organization and associations</p> <p>Harassment or bullying (physical mental, verbal)</p>	<p>Discrimination in Admission, Expulsion or Dismissal</p> <p>Imposing disciplinary sanctions harsher than customary.</p>	<p>Discrimination in Admission, Expulsion or Dismissal</p>	<p>Discrimination in Admission, Expulsion or Dismissal.</p>	<p>Refuse admission.</p> <p>Expel or Dismiss.</p> <p>Deny access to student benefits.</p> <p>Violently harass and bully (physical, mental, psychological, verbal violence)</p> <p>Providing onerous or unjust terms.</p> <p>Any other penalty or detriment.</p>	<p>Discrimination in Admission. Subjecting student to terms and conditions not imposed on others similarly situated.</p> <p>Limiting access to any benefit or privilege.</p>	<p>Unduly delaying or refusing to admit.</p> <p>Onerous or unjust terms.</p> <p>Denying or limiting access to any benefit.</p> <p>Expelling or subjecting student to any penalty or detriment.</p> <p>Imposing disciplinary sanctions harsher than customary against a student or trainee due to the SOGIE of parents or legal guardians of the student.</p>

The Anti-bullying law in the Philippines include bullying on the basis of sexual orientation as a prohibited act, however it mostly contemplates peer-to-peer bullying. Having provisions in the ordinances that prohibit refusing to admit, expulsion, imposing onerous terms or conditions, harsher sanctions, or any other detriment provides students and their parents some redress in cases where the “bullying” is done by school teachers or school personnel. Note that the Dinagat ordinance explicitly includes cases where there is no outright denial of admission but the school unduly delays admission. Another aspect to the Dinagat Islands version that bears noting is how it covers cases where the student is discriminated against not on the basis of his or her SOGIE but his or her parents' or guardians' SOGIE.

### **What is the effect of the provisions on anti-discrimination in educational institutions' compulsory school uniforms?**

Uniforms in public schools are not mandatory according to the Department of Education. Therefore, in public schools, failure to abide by uniform policies should never be a ground for expelling or subjecting a student to disciplinary action. For private schools, particularly for primary and secondary levels, advocates would argue that as a signatory to the Convention on the Rights of the Child, failing to abide by a school's dress code in the Philippines, should not trump the fundamental right of the child to access education. It becomes less ambiguous for areas with the ordinances, school uniforms cannot be used as a basis for expelling a student if the reason for noncompliance with the dress code is because of the student's SOGIE.

### **What are prohibited acts under the ordinances with respect to access to health services?**

All of the ordinances covered in this project include a prohibition against discrimination on the basis of SOGIE in accessing medical and health services, including health insurance.

### **What are prohibited acts under the ordinances with respect to accessing goods, services, and accommodation?**

Batangas Province (Luzon)	Batangas City (Luzon)	Puerto Princesa (Luzon)	Cebu City (Visayas)	Mandaue City (Visayas)	Davao City (Mindanao)	Dinagat Islands (Mindanao)
Denial in accessing: Use of public or private services. Establishments Facilities Utilities Transportation Housing That are open to the general public Includes inferior accommodation.	Denial in accessing: Apartment, condo, townhouse, flat, hotel, inn, dormitory and other places of dwelling being rent out or offered to the public for a fee. Disallowance from entry and refusal to serve in establishments like restaurants, into restaurants, bars, stores, movie houses, malls and other places of entertainment or businesses which are open to the general public Discrimination in public transportation.	Access to or use of establishments, facilities, utilities, or services open to the general public Includes inferior accommodation.	Denial in accessing: Use of public or private Establishments Facilities Utilities Transportation Housing That are open to the general public Includes inferior accommodation.	Denial in accessing: Use of public or private Establishments Facilities Utilities Transportation Housing That are open to the general public Includes inferior accommodation Disallowance from entry and refusal to serve in establishments like restaurants, into restaurants, bars, stores, movie houses, malls and other places of entertainment or businesses which are open to the general public or by refusing or failing to attend to or serve orders.	Denial in accessing: Accommodation in a house apartment, condo, townhouse, flat, inn, hotel, dormitory other places of dwelling being rent out or offered to the public for a fee. Refusing entry into restaurants, bars, stores, movie houses, malls and other places of entertainment or businesses which are open to the general public or by refusing or failing to attend to or serve orders.	Imposing onerous terms and conditions for providing goods and services. Denial in accessing: Accommodation being rented out or offered to the public. Includes inferior accommodation Disallowing entry in any establishment such as restaurants, bars, stores, canteens, resorts, and other commercial establishments open to the general public Refusing to attend to or serve any orders Refusing to serve as passengers in public transportation.

All of the ordinances prohibit discrimination on the basis of SOGIE in accessing public and private services. While they vary in how they enumerate these services, the bottom line is that services that are offered to the general public must be offered to persons of diverse SOGIE equally and fairly; their SOGIE cannot be the basis of denial of service or refusal of entry. Note that all ordinances, with the exception of Puerto Princesa and Davao, include not only denial or failure to provide the accommodation but also cases where the persons are given inferior versions of accommodation because of their SOGIE.

### **What are prohibited acts under the ordinances with respect to public ridicule and vilification?**

Batangas Province (Luzon)	Batangas City (Luzon)	Puerto Princesa (Luzon)	Cebu City (Visayas)	Mandaue City (Visayas)	Davao City (Mindanao)	Dinagat Islands (Mindanao)
No provision	Making fun or contemptuous imitating or making a mockery whether in writing, in words, or in action Slanderous and abusive statements Executing any activity in public which incites hatred towards, serious contempt for, or severe ridicule of a person; Doing any other analogous acts of ridicule Unlawful to organize groups which promote and incite discrimination	Harassment (physical or verbal)	No provision	Verbal, non verbal ridicule and vilification, such as making fun or contemptuous imitating or making a mockery whether in writing, or in words, or in actions, uttering of slanderous abusive statements, executing any public activity that incites hatred or severe ridicule. Unlawful organization or groups that promote and incite discrimination	By subjecting either by verbal or written word or publication, to ridicule or insult or attributing despicable behavior and habits or associating with violence and criminal activities any person or group of person by reason of his SOGIE	Prohibition on ridiculing or vilifying whether in writing or in words or actions: Contemptuous taunting, jeering, mocking, or imitating Expression of slanderous and abusive statements Execution of any activity in public which incites hatred towards, serious contempt for, or severe ridicule of a person or LGBTs in general; and Doing any other analogous acts of ridicule Unlawful to organize groups which promote and incite discrimination

### Are there provisions that deal squarely with law enforcement?

Batangas Province only provides for capacity building for those in public institutions that would include law enforcement agencies in the province. Cebu City and Davao are both silent on this aspect. Batangas City, Mandaue, and Dinagat "strongly encourage" their respective VAW (Violence Against Women and their Children) Desks to cover SOGIE related cases. Noteworthy is how Mandaue included "tactical delay" that could be employed by public officers who are mandated to provide public programs or services on the basis of SOGIE as one of the prohibited acts. The Puerto Princesa ordinance is also more explicit on prohibiting harassment of persons of diverse SOGIE by members of law enforcement.

Batangas Province (Luzon)	Batangas City (Luzon)	Puerto Princesa (Luzon)	Cebu City (Visayas)	Mandaue City (Visayas)	Davao City (Mindanao)	Dinagat Islands (Mindanao)
Only a generalized awareness raising and capacity building for "public" institutions.	Prohibition on harassment, unjust detention, and involuntary confinement. Batangas City Police District VAW Desks are strongly encourage to handle specific concerns on SOGIE stations.	Prohibition on harassment of any person on the basis of his or her SOGIE by members of institutions involved in the enforcement of law and protection of rights such as the Philippine National Police or Armed Forces of the Philippines	None	Tactical delay by public officers in providing public programs Police VAW Desk is strongly encouraged to handle specific concerns related to SOGIE.	None	Inclusion of LGBT Concerns in Provincial Police Stations. – The Women and Children's Desks existing in all police stations of the province, are encouraged to act on and attend to complaints or cases covered by this ordinance. In this regard, police personnel handling said desks shall undergo appropriate trainings with human rights-based approach to include, among others, gender sensitivity and awareness, proper terminology, dynamics of LGBT relationships, and hate crime investigations.

**What about instances where persons of diverse SOGI are subjected to forced psychological/physical examination to “correct” them? Would the ordinances cover this?**

Batangas Province (Luzon)	Batangas City (Luzon)	Puerto Princesa (Luzon)	Cebu City (Visayas)	Mandaue City (Visayas)	Davao City (Mindanao)	Dinagat Islands (Mindanao)
Prohibition on subjecting or forcing any person to any medical or psychological examination without express approval of person	Prohibition on involuntary confinement	No provision	Prohibition on subjecting or forcing any person to any medical or psychological examination without express approval of person	Unlawful harassment, unjust detention, and involuntary confinement	No provision	It shall be unlawful to commit harassment, unjust detention, and involuntary confinement of a person

**Talking about access to certain facilities, is access to rest rooms/comfort rooms/toilets/lavatories by LGBTQIA, particularly transgender persons, provided for in the ordinances?**  
In cases where the ordinances do not explicitly provide for rest room/comfort room/toilet provisions but contain access to public facilities clause, this means that LGBTQIA are protected in accessing public restrooms/comfort rooms/toilets.

Batangas City, over and above the access to public facilities clause, mandates both public and private institutions in its city to designate all gender rest rooms. Mandaue on the other hand is more permissive in its “may designate” wording. Dinagat Islands provides first that existing rest rooms be already inclusive as to allow use by transgender persons and that they be labelled accordingly. Where an establishment only has one rest room, this rest room should be designated as an “All-Gender Restroom.”

Batangas Province (Luzon)	Batangas City (Luzon)	Puerto Princesa (Luzon)	Cebu City (Visayas)	Mandaue City (Visayas)	Davao City (Mindanao)	Dinagat Islands (Mindanao)
Covered in the provision of accessing public and private facilities	All government agencies, private offices, and commercial/industrial establishments shall designate toilet rooms and lavatories labeled as all gender CR.	Covered in the provision of accessing and use of facilities open to the general public	Covered in the provision of accessing and use of facilities open to the general public	All government and private offices, commercial and industrial establishments may designate toilet room sand lavatories labeled as SOGIE comfort rooms.	Unclear, however the general provision on accessing goods and services could possibly be availed of	All government and private offices, commercial and industrial establishments, educational and training institutions, sea ports, and other public places with toilet rooms and lavatories shall be inclusive of persons regardless of sexual orientation and gender identity and expression. Lavatories shall be labeled as "M+" for such existing rooms originally designated for biological males and "F+" for such existing rooms originally designated for biological females. Both labels shall have a clear description below that states: "This restroom is trans-inclusive." Places with only one lavatory for both biological males and females shall be labeled "All-Gender Restroom."

## Would violations of the ordinances be punishable? What penalties are set?

Batangas Province (Luzon)	Batangas City (Luzon)	Puerto Princesa (Luzon)	Cebu City (Visayas)	Mandaue City (Visayas)	Davao City (Mindanao)	Dinagat Islands (Mindanao)
Fines ranging from 1,000.00 to 3,000.00 and imprisonment of one to thirty days at the Court's discretion.	Fine ranging from 1,000.00 - 5,000.00 and imprisonment of not less than sixty days but not more than one year	Fine only ranging from 1,000.00 to 5,000.00. There is also a no contest provision allowing an offender to admit liability and pay the fine directly to avoid criminal prosecution within 24 hours upon apprehension.	Fine ranging from 1,000.00 to 5,000.00 and imprisonment of one to thirty days at the Court's discretion.	Fine ranging from 1,000.00 to 5,000.00, imprisonment of three months to one year, community service and completion of a SOGIE seminar.	Fine ranging from 1,000.00 to 5,000.00 and imprisonment of zero to fifteen days.	Fine ranging from 1,000.00 -5,000.00 and imprisonment of not less than sixty days but not more than one year. The court may impose sanctions such as community service in terms of attending human rights education and exposure to plight of victims of discrimination.

## Are there funds for the ordinances?

Some of the ordinances provide for appropriations while others remain silent on this.

Batangas Province (Luzon)	Batangas City (Luzon)	Puerto Princesa (Luzon)	Cebu City (Visayas)	Mandaue City (Visayas)	Davao City (Mindanao)	Dinagat Islands (Mindanao)
Gender and Development Budget	Gender and Development Budget	No provision	No provision	Annual allocation of 1,000,000.00.	No provision	Gender and Development Budget

## Where can cases be filed?

The general rule is that cases must first be filed in the barangay if parties are living in the same barangay. Only upon failure to reconcile or agree in the barangay can a complaint proceed to the mediation/conciliation boards stipulated by the ordinances. In their absence, the appropriate courts.

Batangas Province (Luzon)	Batangas City (Luzon)	Puerto Princesa (Luzon)	Cebu City (Visayas)	Mandaue City (Visayas)	Davao City (Mindanao)	Dinagat Islands (Mindanao)
Provincial Social Welfare and Development Office (PSWDO) together with the Provincial Committee on Gender and Development (PCGAD)	Barangay VAW (Violence Against Women) Desk	Barangay	Barangay	Barangay	Mediation and Conciliation Board and Sub-Board.	Barangay

### How do the ordinances seek to address stigma (through affirmative acts)?

What is uniform in the ordinances covered here are provisions on awareness campaigns. Some unique components are noteworthy, some of them already provide for access to legal representation, scholarships, and livelihood trainings. Mandaue adds access to socialized housing for senior LGBTQIA persons. Batangas City, Mandaue, and Dinagat also add LGBT desks in public and private hospitals.

Batangas Province (Luzon)	Batangas City (Luzon)	Puerto Princesa (Luzon)	Cebu City (Visayas)	Mandaue City (Visayas)	Davao City (Mindanao)	Dinagat Islands (Mindanao)
Stigma Reduction Program	Issuance Annual Gender Sensitivity Training Certificate for all employees	No provision	Stigma Reduction Program	Capacity Building and Education Campaign	No provision	Public posting of ADO Gender and Development Office of the Province: Anti-Discrimination Modules
Capacity Building and Education Campaign	Availability of Anti-Discrimination Materials in educational institutions, elimination of gender stereotyping		Capacity Building and Education Campaign	Discrimination and Stigma Studies and Databank	Required SOGIE Sensitivity Seminars.	Gender Sensitivity Training in government and private offices with certificates of attendance.
Discrimination and Stigma Studies Databank	LGBT Desk in public and private hospitals		Discrimination and Stigma Studies Databank	Access to Scholarships, Skills, Employment and Livelihood Opportunities		Review of educational materials towards elimination of Gender Stereotyping.
Discrimination and Stigma Monitoring	Police VAW Desk to also function as LGBT Desk		Discrimination and Stigma Monitoring	Access to Legal Representation	Policy Review	LGBT desk in private and public hospitals
Access to Scholarships, Skills, Employment and Livelihood Opportunities	Barangay VAW Desk to also function as LGBT Desk		Access to Scholarships, Skills, Employment and Livelihood Opportunities	Police VAW Desk is strongly encouraged to also function as LGBT Desk		Modules for gender sensitive and gender responsive health care services and reproductive health education that includes information on STD/STI and HIV/AIDS.
Access to Legal Representation Policy Review	Anti-Discrimination Programs: Databank and Monitoring		Access to Legal Representation	LGBT desk in private and public hospitals		Anti-Discrimination Programs:
	Legal Representation		Policy Review	Modules for gender sensitive and gender responsive health care services and health education that includes information on STD and HIV/AIDS.		Databank and Monitoring
	Psychological counselling			Exiting youth programs shall be inclusive to the participation of LGBT youth.		Legal Representation
	Police Review			Existing Social Welfare Programs that may take form in socialized housing shall be equally accessible and inclusive to LGBT SENIOR CITIZENS		Psychological counselling
	Organizing of LGBT persons in the barangay to ensure sectoral representation					Police Review
						Organizing of LGBT persons in the barangay to ensure sectoral representation