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Item: 21
Date: 28 OCT 2022

Province of Leyte
Legal Office
Date: 10-12-22

Republic of the Philippines
PROVINCE OF LEYTE

SP Records
10/12/22
440-80

PROVINCIAL LEGAL OFFICE

2nd Indorsement
October 11, 2022

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 077-22 of the SB of Leyte, Leyte, recommending to declare its validity pursuant to its power under Section 56 (c) of R.A. 7160, the same being, to the opinion of the Provincial Legal Office (PLO), in consonance with the State Policy enshrined under Section 11, Article II of the 1987 Philippine Constitution, essential to the promotion of the General Welfare of the members of the LGBT Community.

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

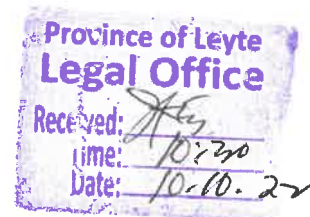


Republic of the Philippines
PROVINCE OF LEYTE
Tacloban City
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SANGGUNIANG PANLALAWIGAN OFFICE

**1ST ENDORSEMENT
10 October 2022**



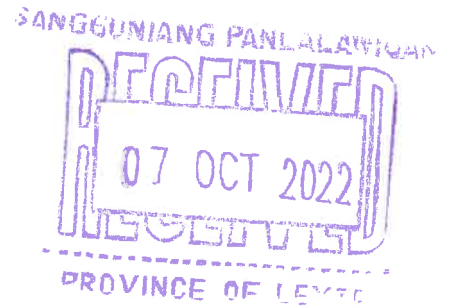
**Respectfully endorsed to the Provincial Legal Office the herein
MUNICIPAL ORDINANCE No. 077-22 of Leyte, Leyte, for comments and
recommendations.**


**FLORINDA JILL S. UYVICO
Secretary to the Sanggunian**



Republic of the Philippines
MUNICIPALITY OF LEYTE
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Office of the Sangguniang Bayan



1st ENDORSEMENT
OCTOBER 6, 2022

Respectfully forwarded to the Honorable Sangguniang Panlalawigan in session, through the Sangguniang Panlalawigan Secretary, Province of Leyte, Tacloban City, the herein **Municipal Ordinance No. 077-22 Entitled "AN ORDINANCE PROVIDING FOR A COMPREHENSIVE ANTI-DISCRIMINATION POLICY ON THE BASIS OF SEXUAL ORIENTATION, GENDER IDENTITY AND EXPRESSION (SOGIE) FOR THE PROTECTION OF LESBIAN'S, GAY'S, BISEXUAL'S, TRANSGENDER'S QUEER'S AND INTERSEX'S (LGBTQIs) IN THE MUNICIPALITY OF LEYTE AND FOR SUCH OTHER PURPOSES.**

Attached herewith are the following :

1. Municipal Ordinance No. 077-22
2. Certificate of Posting
3. Certificate of Publication (to follow)


VILMA D. COMBATE
SB Secretary

10/10/22



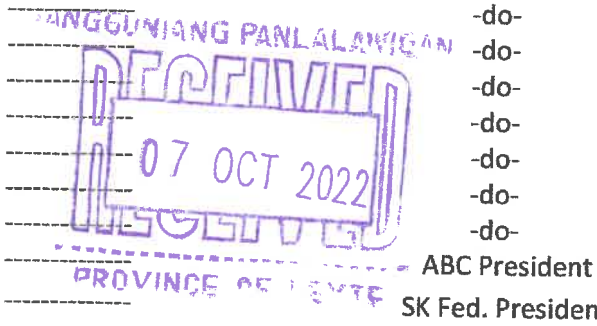
Republic of the Philippines
MUNICIPALITY OF LEYTE
L E Y T E
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Office of the Sangguniang Bayan

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION BY THE SANGGUNIANG BAYAN HELD ON SEPTEMBER 5, 2022 AT THE SB SESSION HALL, MUNICIPAL BUILDING, LEYTE, LEYTE

Present:

Hon. Armando M. Ysidoro,	-----	Mun. Vice Mayor/Presiding Officer
Hon. Paquito D. Pelipel,	-----	SB Member
Hon. Lileth I. Gatchalian,	-----	-do-
Hon. Edward Jay A. Durante,	-----	-do-
Hon. Rowil G. Batan,	-----	-do-
Hon. Aida A. Delantar,	-----	-do-
Hon. Alex A. Dagandan,	-----	-do-
Hon. Eulogio E. Capacio,	-----	-do-
Hon. Gualberto G. Meracap,	-----	-do-
Hon. Jerry G. Apacible,	-----	ABC President
Hon. Asefa Gail V. Granados	-----	SK Fed. President



ORDINANCE NO. 077-22

Author: **HON. ASEFA GAIL V. GRANADOS**
Co-Author: **HON. ROWIL G. BATAN**

AN ORDINANCE PROVIDING FOR A COMPREHENSIVE ANTI-DISCRIMINATION POLICY ON THE BASIS OF SEXUAL ORIENTATION, GENDER IDENTITY AND EXPRESSION (SOGIE) FOR THE PROTECTION OF LESBIAN'S, GAY'S, BISEXUAL'S, TRANSGENDER'S, QUEER'S AND INTERSEX'S (LGBTQIs) RIGHTS IN THE MUNICIPALITY OF LEYTE AND FOR SUCH OTHER PURPOSES.

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

WHEREAS, the Bill of Rights provision of said constitution, clothes the State with authority to protect its citizens against all forms of discriminatory acts in order to promote equal protection and eliminate stereotypes and prejudices;

WHEREAS, per voice of experience in the society in general, these group of the third sex, known as the lesbians, gays, bisexuals, transgenders, queers, and intersex (or LGBTQI), have always been victims of social prejudice and discrimination of various sorts, such as bullying, teasing, harassment, etc.

WHEREAS, the Local Government Code of 1991 (RA 7160) empowers the Sangguniang Bayan to enact ordinances for the general welfare of the municipality and its people, which entails the enhancement of social justice in consonance with several provisions in the Constitution.

WHEREAS, this ordinance calls for a consistent awareness of general human rights principles and should be applied with fairness and equality to all individuals is mainstreamed;

WHEREAS, our quest for economic prosperity in the Municipality of Leyte is deeply connected to how the Local Government values the rights and dignity of the people, regardless of who they are, where they come from, and whom they love.

NOW THEREFORE, on motion of the Hon. Asefa Gail V. Granados, SK Fed. President and duly seconded by the Hon. Rowil G. Batan, SB Member;

(Handwritten signatures and initials)

(Handwritten signature)

BE IT ORDAINED by the Sangguniang Bayan, this municipality, in its Regular Session assembled on September 5, 2022 as hereby adopted, to wit:

SECTION 1. TITLE. This Ordinance shall be known as **“AN ORDINANCE PROVIDING FOR A COMPREHENSIVE ANTI-DISCRIMINATION POLICY ON THE BASIS OF SEXUAL ORIENTATION, GENDER IDENTITY AND EXPRESSION (SOGIE) FOR THE PROTECTION OF LESBIAN’S, GAY’S, BISEXUAL’S, TRANSGENDER’S, QUEER’S AND INTERSEX’S (LGBTQI+) RIGHTS IN THE MUNICIPALITY OF LEYTE AND FOR SUCH OTHER PURPOSES.”**

SECTION 2. DECLARATION OF POLICY. It is hereby declared a policy of the Municipality of Leyte to actively work for the elimination of all forms of discrimination that offend the equal protection clause of the Bill of Rights enshrined in the Constitution, and other existing laws and to value the dignity of every person, guarantee full respect for human rights and give the highest priority to measures that protect and enhance the right of all people.

SECTION 3. DEFINITION OF TERMS

a) **LGBTQI+** - refers to a diverse and complex range of identities based on sexual orientation, gender identity and expression. The term **“LGBTQI+”** refers to gender and sexuality non-conforming persons, including but not limited to lesbian, gay, bisexual, transgender, queer, and intersex persons:

a.1 **LESBIAN** – a woman whose emotional, romantic and sexual energies are geared towards other women;

a.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;

a.3 **BISEXUAL** – a person who is emotionally and/or physically attracted to members of both the same and opposite sex;

a.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;

a.5 **QUEER** – those who are gender non-conforming and who do not want to be defined by any of the labels;

a.6 **INTERSEX** – those who are naturally born and possesses both male and female organs.

b) **SOGIE** – refers to Sexual Orientation, Gender Identity and Expression;

c) **DISCRIMINATION** – constitutes any distinction, exclusion, restriction, preference or other differential treatment that is directly or indirectly based on sexual orientation, gender identity, or gender expression, which has the intention or effect of nullifying or impairing the recognition, enjoyment, or exercise on an equal footing, of political, civil, economic, social, and cultural rights;

d) **GENDER EXPRESSION** – is how a person publicly presents their gender. This can include behavior and outward appearance such as dress, hair, make-up, body language and voice. A person’s chosen name and pronoun are also common ways of expressing gender;

e) **GENDER IDENTITY** – is each person’s internal and individual experience of gender. It is their sense of being a woman, a man, both, neither, or anywhere along the gender spectrum. A person’s gender identity may be the same as or different from their birth-assigned sex. Gender identity is fundamentally different from a person’s sexual orientation;

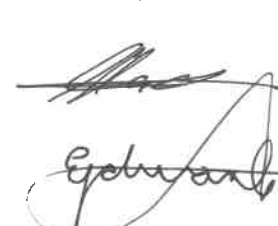
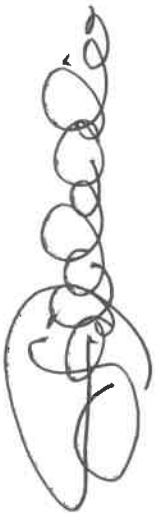
f) **SEX** – is a human and civil status of a person acquired by birth having organ and system of reproduction;

- g) **SEXUAL ORIENTATION** – refers to the emotional or sexual attraction or inclination of a person towards persons of his/her own sex, or both masculine and feminine sexes;
- h) **ACCOMODATION** – as mentioned herein, includes a house, apartment, condominium, townhouse, motel, boarding house, hotel, and dormitory, which are open to the general public. It shall also include the grant of license, clearance, certification or any other document issued by governmental authorities or other private or juridical entities;
- i) **GOODS AND SERVICES** – as applied herein includes but shall not be limited to establishments, individuals and groups of individuals supplying physical goods and services such restaurants, resorts, hotels, clubs, and shopping malls as well as those providing clearing, repair, maintenance, construction, financial, health, transportation, and public utility services;
- j) **VILIFICATION** – the utterance of slanderous and abusive statements done in any activity in public that incites hatred towards, serious contempt for, or severe ridicule towards any person/s on the basis of actual or perceived sexual orientation, gender identity and expression (SOGIE);
- k) **PUBLIC RIDICULE** – making fun for contemptuous by imitating or mocking of persons whether in writing, or in words, or in action on the basis of actual or perceived sexual orientation, gender identity and expression (SOGIE).

SECTION 4. COVERAGE. This Ordinance shall cover any person, natural or juridical, who commits any of the acts herein prohibited and enumerated shall be held liable and penalized accordingly, provided that in the case of juridical persons, such as but not limited to corporations, associations, partnerships, educational and vocational institutions, whether public or private, the manager or head of office shall also be held criminally accountable and responsible.

SECTION 5. PROHIBITED ACTS. The following constitute act of discrimination:

- a) Villifying or ridiculing any person on the basis of actual or perceived sexual orientation, gender identity and expression (SOGIE):
 - a.1 Making fun of or contemptuous by imitating or mocking either in writing, of in words, or in action;
 - a.2 Uttering of slanderous and abusive statements;
 - a.3 Executing any activity in public which incites hatred towards serious contempt for, or severe ridicule of a person;
 - a.4 Doing any other analogous act/s of ridicule at any time and place which could intimidate or result in loss of self-esteem of the person.
- b) Denying or limiting access of an employee to opportunities for promotion, transfer, training, schooling or any other benefit that are otherwise granted to other employees similarly situated on the basis of actual or perceived sexual orientation and gender identity and expression (SOGIE);
- c) Refusing employment to a job applicant on the basis of actual or perceived SOGIE;
- d) Denying access to public programs and services for medical and other health services on the basis of actual or perceived SOGIE;
- e) Refusing admission to or expulsion or dismissal of a person from educational institutions on the basis of SOGIE;
- f) 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 academic qualifications of their students;
- g) Providing onerous or unjust terms and conditions for admission of a student, such as but not limited to cutting of hair, setting a dedicated dress code for the purpose of decency, and the like;
- h) Refusing admission, denying acceptance or expelling or dismissing a student from academic, socio-civic organization and associations on the basis of actual or perceived SOGIE;



- i) 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;
- j) Revoking any accreditation, recognition, registration, of any organization in educational institutions, workplaces and communities on the basis of actual or perceived SOGIE;
- k) Subjecting either verbal or written, to insult any person by reason of SOGIE;
- l) Refusing to provide goods or terms and conditions to a person on the ground of one's 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;
- m) Refusing or failing to allow any person to avail of services or accommodation in an apartment, condominium, townhouse, flat, hotel, inn, dormitory and any other places of dwelling being rented out or offered to the public or for a fee on the basis of actual or perceived SOGIE;
- n) Denying an application for a license, clearance, certification or any other document issued by governmental authorities or other private juridical entities, on the basis of actual or perceived SOGIE;
- o) It shall be unlawful to commit harassment, unjust detention and involuntary confinement because of one's actual or perceived SOGIE;
- p) It shall be unlawful to refuse entry and/or disallow a person or group of persons from entering any establishment such as restaurants, bars, stores, movie houses, shopping malls, and other places or entertainment and other businesses which are open to the general public; and/or to refuse to attend to, or serve any orders for food, drinks and other goods, consumable and non-consumable; or to subject one to discrimination or harassment in buses, taxis, ships, airplanes on the basis of actual or perceived SOGIE;
- q) It shall be unlawful to organize groups and activities which promote and incite discrimination against persons based on actual or perceived SOGIE;
- r) Any act of discrimination or harassment based on actual or perceived SOGIE, which demeans the dignity and self-respect of a person or impairs, mars, reduces or nullifies the recognition, enjoyment or exercise of a person's human and legal rights and basic freedoms in civil, political, labor, economic, social, cultural, educational spheres, and other spheres.

SECTION 6. AFFIRMATIVE ACTS. The Municipality shall endeavor to mainstream "gender-fairness" by conducting programs and celebrating activities such as, but not limited to:

- a) Seminars, trainings, workshops, for and symposia about Sexual Orientation, Gender Identity and Expression (SOGIE) and on "inclusive" workplaces in both private and public spaces;
- b) Discrimination and Stigma Reduction Program – The Municipal Government of Leyte shall allocate funds to address discrimination and stigma that has the following components:

b.1 Capacity Building and Education Campaign – to curb social stigma and eliminate discrimination, a comprehensive consciousness and awareness-raising campaign and developing knowledge, harnessing skills, and values formation on respect for human rights and human dignity shall be undertaken within public and private institutions, establishments, organizations, and communities.

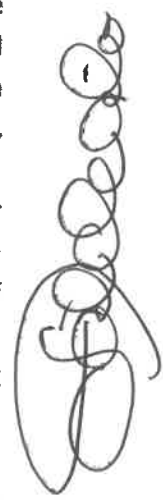
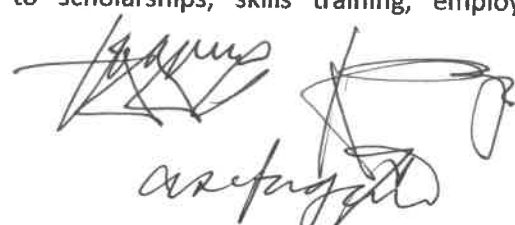
b.2 Discrimination and Stigma Studies and Databank – Fund shall be allocated for stigma and discrimination case documentation, researches, and information dissemination, as well as, set-up databank of different cases and experiences of stigma and discrimination.

b.3 Discrimination and Stigma Monitoring – This refers to monitoring of discriminating articles, songs, videos, books, and other materials published in print media and the internet, broadcasted through television and radio and filing the appropriate charges.

- c) Access to Scholarships, Skills, Employment and Livelihood Opportunities – The Municipal Government of Leyte shall ensure that all persons residing in the Municipality of Leyte shall have equal access to scholarships, skills training, employment, livelihood opportunities, and



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microfinance opportunities and ensure equitable access by persons who for reasons of disability, age, health status, sexual orientation, gender identity, ethnicity, and religion are discriminated; Commission on Higher Education (CHED) Memorandum Order No. 01-2015 for the policies and guidelines on gender and development are implied for people of diverse sexual orientation and gender identity;

- d) Policy Review – The Municipal Government of Leyte shall ensure that all policies embodied in resolutions, ordinances, codes, and other policy documents are free from discriminatory statements and provisions to effectively eliminate discrimination, stigma, and stereotypes.
- e) Social Protection Program – The Municipal Government of Leyte shall implement social protection measures for individuals, groups, sectors, and communities affected by and vulnerable to stigma and discrimination.

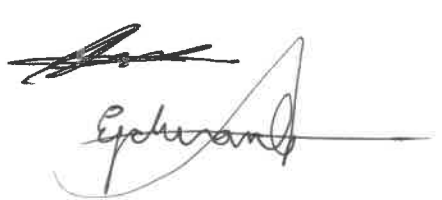
SECTION 7. INCORPORATION OF SEXUAL ORIENTATION AND GENDER IDENTITY EXPRESSION (SOGIE) CONCERNS WITH FUNCTIONS OF EXISTING VIOLENCE AGAINST WOMEN AND CHILDREN (VAWC) DESK/HUMAN RIGHTS DESK IN MUNICIPALITY OF LEYTE POLICE STATION. The Leyte, Leyte Police Station is strongly encouraged to handle the specific concerns relating to SOGIE through the existing Violence Against Women or VAWC/ Human Rights Desk.

- a) Develop a system to document and report cases of discrimination and violence against actual or perceived persons of diverse SOGIE and provide assistance to the victims thereof,
- b) Ensure that Barangay Officials, Barangay Tanods, Lupong Tagapamayapa, and other Barangay Workers, including volunteers, to undergo training to enable them to respond to victims of gender discrimination and violence against people of diverse sexual orientation, gender identity and expression;
- c) Assist the victim in filing the appropriate complaint with the Leyte, Leyte Police Officer or other law enforcement agencies; and/or
- d) Ensure that all pertinent documents are forwarded to the Leyte, Leyte Police Station.

SECTION 8. REMEDIAL MEASURES. The remedial measures for any complaints against any person(s) who may violate this Ordinance may include, but are not limited to the following, to wit:

- a) Complaints shall lodge their complaint(s) of any violation with the Lupon Tagapamayapa (Punong Barangay) as provided by RA 7160 otherwise known as the Local Government Code of 1991 and the Katarungang Pambarangay Law, provided both parties are residents of the same barangay; otherwise, the case shall be filed directly in court.
- b) The key roles of Barangay Violence Against Women and Children (VAWC) Desk and PNP Women's and Children's Desk in the implementation of this ordinance is vital.
- c) Any form of bigotry, stigma and discrimination shall not be tolerated and shall be grounds for filing complaint subject to the nature of the mental, psychosocial and physical trauma a person is experiencing whether it may be in the form of hate speech, bashing, humiliation, bullying, shaming, that consequentially would result to anxiety and depression as mental and psychosocial traumas.
- d) The victim of SOGIE-based discrimination can pursue and file separate and independent action for damages and other affirmative reliefs.

SECTION 9. CREATION OF THE MUNICIPALITY OF LEYTE PRIDE COMMITTEE (MLPC) – There shall be created the Municipality of Leyte Pride Committee which shall be a regular Committee under the Gender and Development Council (GDC). The MLPC shall oversee the implementation of this Ordinance and other existing laws, regulations and guidelines relevant to the protection and promotion of the LGBTQI+ rights; shall integrate and synchronize programs, projects and activities for the LGBTQI+ community; and which shall coordinate with existing government agencies in the local government support efforts to promote gender development.



It shall be the duty of the Municipality of Leyte Pride Committee to coordinate with the appropriate agencies and offices to implement the programs provided in this Ordinance and monitor or take action, in coordination with the Gender and Development Council, on any complaint brought before it falling under the provisions in this Ordinance.

a) The composition of the Municipality of Leyte Pride Committee shall be as follows:

- The Municipal Mayor as Chairperson;
- The SB Member Chairperson on the Committee on Youth as Vice-Chairperson;
- The Chairperson for the SB Committee on Rules, Laws and Ordinances, as member;
- Three (3) Representatives from the LGBTQI+ Community duly appointed by the MLPC Chairperson, as members;
- The Liga ng mga Barangay President, as member;
- The Gender and Development (GAD) Focal Person/ GAD Officer, as member;
- The Municipal Social Welfare and Development Office (MSWDO) Head, as member;
- One (1) representative from the Department of Education, as member;
- The Municipal Health Officer or any representative from the Rural Health Unit of the Municipal Government of Leyte, as member; and
- The Municipal Youth Development Officer, as member.

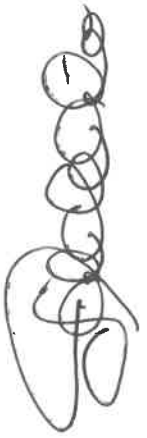
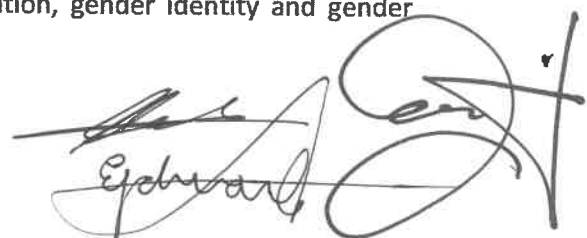
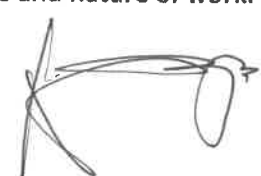
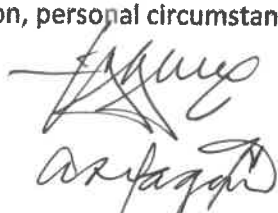
SECTION 10. The MLPC shall exercise the following principal functions:

1. Monitor complaints concerning violations of any provisions of this Ordinance;
2. Facilitate and assist victims of stigma and discrimination to ensure that they have legal representation, counselling and psychological assistance;
3. Maintain discrimination documentation, case monitoring system, and set-up a databank to easily access various cases and experiences stigma and discrimination;
4. Recommend to the Sangguniang Bayan anti-discrimination policies and programs;
5. Monitor or review all policies embodied in resolutions, ordinances, codes and other policy documents to determine if they are free from discriminatory statements and provisions and undertake necessary amendments of those provisions to effectively eliminate discrimination stigma and stereotyping LGBTQIs.

SECTION 11. OVERSIGHT FUNCTION OF THE GENDER AND DEVELOPMENT COUNCIL UNDER THE ORDINANCE. The Gender and Development Council shall perform oversight function over the implementation of this Ordinance including the implementation of anti-discrimination programs provided herein.

SECTION 12. ACCESS TO SPECIFIC HEALTH PROGRAMS. The Municipal Government of Leyte shall endeavor to ensure that people of diverse sexual orientation and gender identities are given the necessary and appropriate health care responsive to their health needs to be effectively addressed through the existing Reproductive and Sexual Health Program provided that there is formulation and integration of the Transgender-specific Health Programs for transgender people.

1. The Municipality shall provide a desk to provide concrete transitioning program catered to Transgender individuals with the guide of an accredited counsellor that would cater to their needs and guide them through the hormonal change that they go through.
2. The Municipal Health Department shall provide HIV-AIDS services that are addressed for the key populations affected; a regular desk for the wellness center shall be created so that people can cater to the LGBTQ populations.
3. Health services for people of diverse SOGIE shall be provided in a non-discriminatory manner and health care professionals shall be sensitive towards the needs of the people of diverse sexual orientation and gender identity expression.
4. Extend quality health care services and information on reproductive health without regard to one's marital status, age, religious affiliation, sexual orientation, gender identity and gender expression, personal circumstance and nature of work.



5. Monitor and ensure that provision for gender-sensitive, gender-responsive and accessible health services for people of diverse sexual orientation and gender identity and expression are available both at the Municipal Health Center and in Barangay Health Centers.
6. Develop modules for 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 educational activities.
7. Encourage the establishment of the LGBTQ Desk in every public and private hospital to handle concerns pertaining to the proper administration of medical services to a person with specific needs, according to one's self-identified sexual orientation, gender identity and expression, in order to provide a comprehensive, responsive, and accessible health services.
8. 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 organization.

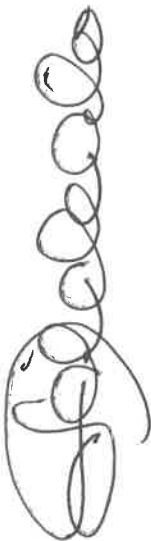
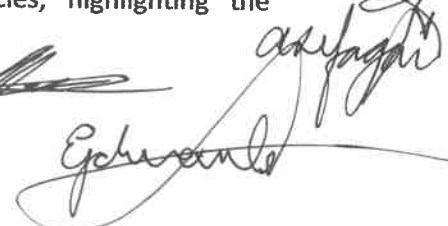
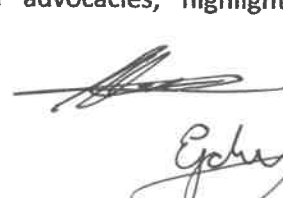
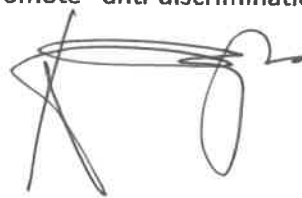
SECTION 13. SOCIAL WELFARE OF THE LGBTQI+. The Municipal Government of Leyte shall endeavor to ensure the access of the LGBTQI+ Members to educational opportunities, relevant information, livelihood, leisure, cultural activities, religion and the right to full expression of thought, conscience and speech.

SECTION 14. INSTITUTIONALIZATION OF SOGIE IN THE MUNICIPALITY THROUGH THE GENDER AND DEVELOPMENT (GAD) OFFICE. Sexual Orientation, Gender Identity, and Expression, through the Municipality of Leyte Pride Committee (MLPC), shall be part of the Gender and Development Council of the Municipality. The Municipality, through its Gender and Development (GAD) Committee in collaboration with the Liga ng mga Barangay and the Sangguniang Kabataan Officials will facilitate in the institution of LGBTQI+ Organizations of the GAD sectors in the barangay. The implementation of the following projects may be made:

1. Capacity building programs for the institutionalized LGBTQI+ organizations and shall be made mandatory in the form of gender-sensitivity training and SOGIE;
2. An integrated social welfare program for the LGBTQI+ Community shall be formulated within one (1) year from the effectivity of this ordinance by the Municipal Government of Leyte, after consultation with the Municipal Social Welfare Services Office, LGBTQI+ groups, other government agencies, private sector, and non-government organizations;
3. Existing youth programs of the Municipality of Leyte and the Sangguniang Kabataan of Municipality of Leyte shall be inclusive to the participation of LGBT youth;
4. Existing Social Welfare Programs that may take form in Socialized Housing shall be equally accessible and inclusive to LGBTQI+ Senior Citizens; and
5. Capacity-building and sensitivity-training for all teaching and non-teaching personnel of the Department of Education of Municipality of Leyte.

SECTION 15. COMMEMORATION OF ANNUAL LGBTQI+ EVENTS. In support of the LGBTQI+ Community, the Municipal Government of Leyte shall commemorate the annual celebration of the following activities:

1. International Day against Homophobia and Transphobia (IDAHOT) on May 17;
2. Celebrate Bisexuality Day on September 23;
3. Philippines' Pride March on the first Saturday of December;
4. World AIDS Day on December 1;
5. National Lesbian Day on December 8;
6. Human Rights Day on December 10;
7. Day commemorating the establishment of the Municipality of Leyte Pride Committee;
8. There shall be annual celebration of the "Pride Month" that will fall on the Month of June. The Pride Month Celebration shall promote anti-discrimination advocacies, highlighting the



importance of unity and teamwork as a colorful LGBTQI+ Community. Funds shall be allocated from the Gender and Development Fund for the conduct of this annual activity

- 9. LGBTQI+ Day shall be included in the annual fiesta celebration of the Municipality of Leyte every December, to empower the members of the LGBTQI+ Community to organize, initiate, and spearhead gender-sensitive and gender-responsive programs such as, but not limited to prestige pageants dubbed as the *Search for Miss Gay, Queen of Leyte, Leyte, and the like*. It shall be allocated with a budget from the Gender and Development Fund for the conduct of this annual activity; and
- 10. All other days of observance as legislated and passed by the National Legislature and Municipal Government of Leyte in the future, including a day commemorating the establishment of the Municipality of Leyte Pride Committee and passage of the Anti-Discrimination Ordinance shall be observed annually on the month of June.

SECTION 16. APPROPRIATION. For the effective implementation of this Ordinance, the Municipal Government of Leyte shall source out funds of not less than five percent (5%) per year from the five percent (5%) of the annual budget appropriated to finance the Gender and Development (GAD) plans, projects, and programs as recommended by the Municipality of Leyte Pride Committee.

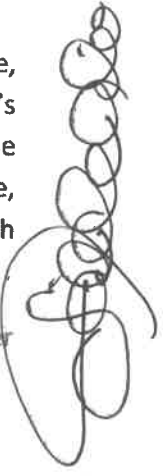
SECTION 17. PERSONS LIABLE. Any person, natural or juridical, who commits any acts herein prohibited, shall be criminally liable and penalized accordingly. In case of juridical persons, such as, but not limited to, corporations, partnerships, associations, institutions, whether private or public, the President or Head of Office, shall also be criminally responsible.

SECTION 18. WHERE AND HOW TO FILE A COMPLAINT. Any LGBTQI+ whose rights against discrimination, as defined under this Ordinance, has been violated, may file a complaint to the Lupon Chairman of the Barangay in whose jurisdiction the acts of discrimination took place.

- i. Whereupon, the complaint shall undergo the process of mediation, conciliation or arbitration as provided for under the provisions of Katarungang Pambarangay as enshrined under Chapter 7, Title One, Book III of the Republic Act No. 7160, known as the "Local Government Code of 1991", which shall govern the procedure on the initiation and filing of the formal complaint before the courts for the violation of this Ordinance.
- ii. Work-related discrimination shall be subject to the provisions of the Labor Code of the Philippines and other pertinent laws such as but not limited to, Magna Carta for Persons with Disability, Magna Carta for Senior Citizens, Child and Youth Welfare Code, Magna Carta for Women, Indigenous People Rights Act, among others. There is work-related discrimination when disability, age, health status, sexual orientation, gender identity, ethnicity, and religion are included in the criteria for hiring, promotion and dismissal of workers, when the same are immaterial to the nature of the work required, and in the determination of employee's compensation, training, incentives, privileges, benefits or allowances, and other terms and conditions of employment.
- iii. Discrimination due to denial of an application or revocation of a professional license, clearance, certification or any other document issued by any government authority due to applicant's disability, age, health status, sexual orientation, gender identity, ethnicity, and religion shall be handled by the appropriate administrative agencies of government which grants such license, clearance, certification and other documents without prejudice to recourse by the victims with the appropriate court and other concerned government agencies.

SECTION 19. PENALTIES. Any person or entity who violates any provision of this Ordinance shall suffer the following graduated penalties:

- a) **First Offense** : A fine of One Thousand Five Hundred Pesos (Php1,500.00);
- b) **Second Offense** : A fine of Two Thousand Pesos (Php2,000.00);



c) **Third Offense** : A fine of Two Thousand Five Hundred Pesos (Php2,500.00) or an imprisonment of one (1) day to thirty (30) days, or both, at the discretion of the court, without prejudice to any applicable criminal, civil, or administrative action that may be instituted under the provision of existing laws.

SECTION 20. INDEPENDENT ACTION FOR DAMAGES. Nothing in this Ordinance shall preclude the victim of discrimination from instituting a separate and independent action for damages and other affirmative relief.

SECTION 21. IMPLEMENTING RULES AND REGULATIONS. Within sixty (60) days from the effectivity of this Ordinance, the Municipality of Leyte Pride Committee (MLPC) shall formulate, after thorough consultation with multi-sectoral groups and stakeholders, the Implementing Rules and Regulations and guidelines of this Ordinance. The multi-sectoral groups and stakeholders to be consulted shall be composed of experts and representatives from various sectors such as civil society, LGBTQI+ non-government organizations, LGBTQI+ organizations and community-based organizations.

SECTION 22. INFORMATION CAMPAIGN. Within thirty (30) days from the approval of this Ordinance, the Municipality shall conduct an information campaign to apprise the public of the provisions of this Ordinance.

SECTION 23. SEPARABILITY CLAUSE. Should any part or provision of this Ordinance be held unconstitutional or invalid by a competent court, the other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.


SECTION 24. REPEALING CLAUSE. All Local Ordinances of the Sanguniang Bayan and Executive Orders and Administrative Regulations of the Local Chief Executive, or parts thereof which are inconsistent with any of the provisions of this Ordinance are hereby repealed, revoked or modified accordingly.

SECTION 25. EFFECTIVITY CLAUSE. This Ordinance shall take effect ten immediately after a copy thereof is posted on bulletin board in at least three (3) conspicuous places and the ordinance has been published in a newspaper of local circulation in the municipality/province in compliance with the mandate of the pertinent provision of Republic Act No. 7160, otherwise known as the Local Government Code of 1991.

SO ORDAINED.

APPROVED this 5th day of September 2022, at Leyte, Leyte, Philippines.



PAQUITO D. PELIPEL, JR.
SB Member



LILETH I. GATCHALIAN
SB Member


EDWARD JAY A. DURANTE
SB Member

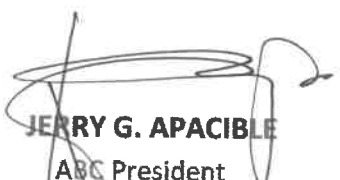

ROWIL G. BATAN
SB Member


AIDA A. DELANTAR
SB Member


ALEX A. DAGANDAN
SB Member


EULOGIO E. CAPACIO
SB Member


GUALBERTO G. MERACAP
SB Member


JERRY G. APACIBLE
ABC President

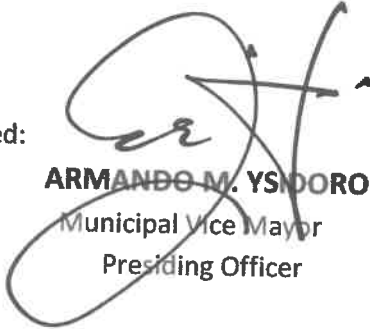



ASEFA GAIL V. GRANADOS
SK Fed. President

Certified Correct:


VILMA B. COMBATE
SB Secretary

Attested:


ARMANDO M. YSIDORO
Municipal Vice Mayor
Presiding Officer

Approved:


~~ARNOLD JAMES M. YSIDORO~~
Municipal Mayor



Republic of the Philippines
MUNICIPALITY OF LEYTE
L E Y T E
-oOo-

Office of the Sangguniang Bayan

CERTIFICATE OF POSTING

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that Municipal Ordinance No. 077-22: "AN ORDINANCE PROVIDING FOR A COMPREHENSIVE ANTI-DISCRIMINATION POLICY ON THE BASIS OF SEXUAL ORIENTATION, GENDER AND EXPRESSION (SOGIE) FOR THE PROTECTION OF LESBIAN'S, GAY'S, BISEXUAL'S, TRANSGENDER'S, QUEER'S (LGBTQs) RIGHTS IN THE MUNICIPALITY OF LEYTE, LEYTE AND FOR OTHER PURPOSES.", has been posted in three (3) conspicuous places in this Municipality.

This certification is issued this 5th day of October, 2022 at Leyte, Leyte, Philippines.


VILMA D. COMBATE
SB Secretary