

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 BAYBAY CITY PRIDE COMMITTEE (BCPC) – There shall be created the Baybay City Pride Committee which shall be a regular Committee under the Gender and Development Council (GDC). The BCPC 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 Baybay City 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 of prohibitions in this Ordinance.

- a. The composition of the Baybay City Pride Committee shall be as follows:
 - The SP Member Chairperson on the Committee on LGBTQI+ Rights and Welfare as Chairperson;
 - The Chairperson for the SP Committee on Laws and Means, as member;
 - Three (3) Representatives from the LGBTQI+ Community duly appointed by the BCPC Chairperson, as members;
 - The SK City Federation President, as member;
 - The Liga Ng Mga Barangay – Baybay Chapter President, as member;
 - The Gender and Development (GAD) Focal Person / GAD Officer, as member;
 - The City Social Welfare and Development Office (CSWDO) Head, as member;
 - One (1) representative from the Department of Education – Division Office, as member;
 - The City Health Officer or any representative from the City Health Department of the City Government of Baybay, as member; and
 - The City Youth Development Officer, as member.

SECTION 10. The BCPC 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 Panlungsod 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 LGBTIQs.

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 11. ACCESS TO SPECIFIC HEALTH PROGRAMS – The City Government of Baybay shall endeavour 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 City 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 City 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 LGBT key 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 hospitals within the city 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 LGBT 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 organizations.

SECTION 12. SOCIAL WELFARE OF THE LGBTQI+ – The City Government of Baybay shall endeavour 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 13. INSTITUTIONALIZATION OF SOGIE IN THE CITY THROUGH THE GENDER AND DEVELOPMENT (GAD) OFFICE – Sexual Orientation, Gender Identity, and Expression, through the Baybay City Pride Committee, shall be part of the Gender and Development Council or in the Special Committee on LGBTQI+ Rights and Welfare in the Sangguniang Panlungsod. The City, through its Gender and Development (GAD) Office in collaboration with the Liga Ng Mga Barangay – Baybay Chapter and the Sangguniang Kabataan Officials will facilitate in the institutionalization 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 City Government of Baybay, after consultation with the City Social Welfare Services Office, LGBTQI+ groups, other government agencies, private sector, and non-government organizations;
3. Existing youth programs of the City of Baybay and the Sangguniang Kabataan of Baybay City 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 – Division of Baybay City.

SECTION 14. COMMEMORATION OF ANNUAL LGBTQI+ EVENTS – In support of the LGBTQI+ community, the City Government of Baybay 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 Baybay City 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 colourful 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 City of Baybay 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 Baybay, and the like*. It shall be allocated with a budget from the Gender and Development Fund for the conduct of this annual activity.
10. All other days of observance as legislated and passed by the National Legislature and City Government of Baybay in the future, including a day commemorating the establishment of the Baybay Pride Committee and passage of the Anti-Discrimination Ordinance shall be observed annually on the month of June.

SECTION 15. APPROPRIATION – For the effective implementation of this Ordinance, the City Government of Baybay shall source out funds of not less than P1, 000,000 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 Baybay City Pride Committee.

SECTION 16. 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 17. 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 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 Peoples 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 18. 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 Pesos (P1,000.00)
- (b) *Second offense* : A fine of Three Thousand Pesos (P3,000.00)
- (c) *Third and subsequent offenses*: A fine of Five Thousand Pesos (P5,000.00) 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 19. 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 20. IMPLEMENTING RULES AND REGULATIONS – Within sixty (60) days from the effectivity of this Ordinance, the Baybay City Pride Committee (BCPC) 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 21. INFORMATION CAMPAIGN – Within thirty (30) days from the approval of this Ordinance, the City Public Information Office shall conduct an information campaign to apprise the public of the provisions of this Ordinance.

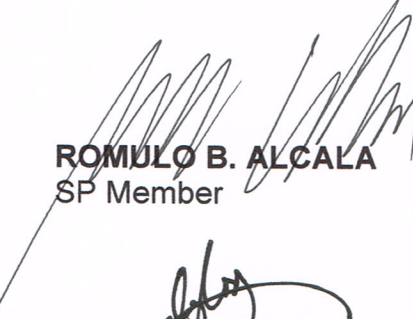
SECTION 22. SEPARABILITY CLAUSE – Should any part or provision of this Ordinance be held unconstitutional or invalid by a competent court, the other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

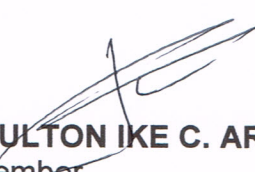
SECTION 23. REPEALING CLAUSE. All local Ordinances of the Sangguniang Panlungsod and Executive Orders and Administrative Regulations of the Local Chief Executive, or parts thereof which are inconsistent with any of the provisions of this Ordinance are hereby repealed, revoked or modified accordingly.

SECTION 24. EFFECTIVITY CLAUSE. This Ordinance shall take effect fifteen (15) days after its complete publication in a newspaper of general circulation in Province of Leyte.

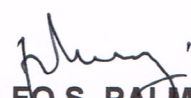
Enacted: June 24, 2021.
Baybay City, Leyte, Philippines.

CARRIED BY ALL OF THE MEMBERS PRESENT:


ROMULO B. ALCALA
SP Member

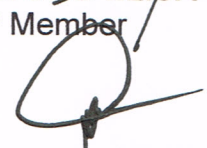

DR. FULTON IKE C. ARRADAZA
SP Member


EDGARDO R. OMPOY
SP Member


RODULFO S. PALMA, JR.
SP Member



ARTURO ELISA O. ASTORGA
SP Member

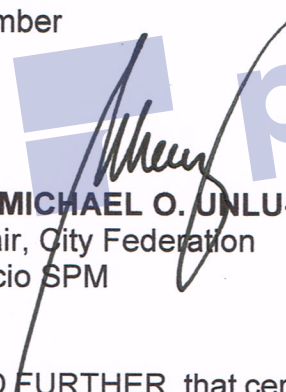

FILEMON F. AVILA
SP Member


JORGE V. REBUCAS
SP Member


RAMON RONALD J. VELOSO
SP Member

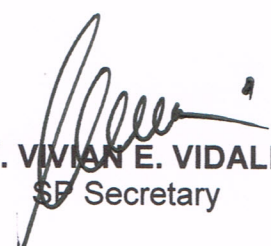

DOMINIC JUNIE F. MURILLO
SP Member


PHILIP L. SIU
President, LIGA Ng Mga Barangay
Ex-Officio SPM


MARK MICHAEL O. UNLU-CAY
SK Chair, City Federation
Ex-Officio SPM

RESOLVED FURTHER, that certified copies of this ORDINANCE be furnished to the City Mayor Honorable Jose Carlos L. Cari, City Administrator Deogracias E. Pernitez; City Legal Officer, Atty. Avito C. Cahig, Jr.; City Budget Officer, Raul Mabini; City Accountant Jay Ryan Austero; OIC - City Treasurer Gina Cabras, CLGOO Juvy C. Pedrera, and to all other offices/agencies/entities concerned for their information, guidance and appropriate action.

I HEREBY CERTIFY to the correctness of the foregoing Ordinance.


ATTY. VIVIAN E. VIDALLON
SP Secretary