

CITY ORDINANCE 2660:
**“AN ORDINANCE RECOGNIZING LGBTIQ+ SECTOR
AND CREATING THE CEBU CITY SOGIESC PRIDE
EMPOWERMENT PROGRAM, CONSTITUTING THE
SOGIESC PRIDE EMPOWERMENT COUNCIL(SPEC)
AND APPROPRIATING FUNDS THEREFOR”**

WHEREAS, Article XIII, Section 1 (a) of the 1987 Philippine Constitution states that the enactment of measures that protect and enhance the right of the people to human dignity, reduce social, economic and political inequalities and remove cultural inequities shall be given the highest priority;

WHEREAS, the Philippines is state party to several international agreements such as the universal declaration of Human Rights (UDHR), International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR, which recognizes people’s basic human rights to develop its full potential;

WHEREAS, gender equality as one of the basic human right that the City of Cebu aims to promote and a goal to achieve through this ordinance;

WHEREAS, this measure seeks to recognize the vibrant and visible LGBTIQ+ sector of the city and to eliminate barriers on their full development as individuals due to marginalization because of their sex characteristics, gender identity, gender expression and sexual orientation;

WHEREAS, this is a measure grants LGBTIQ+ individuals the relief from the daily constraints, discrimination and violence they have been experiencing;

NOW THEREFORE, the Sangguniang Panlungsod of the City of Cebu, in a regular session assembled, hereby ordains, that:

ARTICLE I
Principles and Policies

SECTION 1. *Short Title.* This Ordinance shall be known as, “**AN ORDINANCE RECOGNIZING LGBTIQ+ SECTOR AND CREATING THE CEBU CITY SOGIESC PRIDE EMPOWERMENT PROGRAM, CONSTITUTING THE SOGIESC PRIDE EMPOWERMENT COUNCIL(SPEC) AND APPROPRIATING FUNDS THEREFOR IN THE CITY OF CEBU**” or in short, “**SOGIESC Equality**” ordinance.

SECTION 2. *Declaration of Principles.*

- A) The City recognizes that human beings, with its complexity, diversity and fluidity, have each distinct sex characteristics, gender identity, gender expression and sexual orientation of its own.
- B) The City affirms the worth and dignity of people of diverse sexual orientation, gender identity, gender expression and sex characteristics as human beings;
- C) The City therefore upholds the rights of people of diverse sexual orientation, gender identity, gender expression and sex characteristics as human rights;
- D) The City adheres to the basic principles of human rights, equality, equity and equal access to resources and to development as so declared under the 1987 constitution, various national laws and several international laws, conventions and documents.

SECTION 3. *Principles of Human Rights.* All human beings are free and equal in dignity and rights. Human rights are characterized by universality, inalienability, indivisibility and interdependence. No one, therefore, should suffer discrimination on the basis of specifically on a person's sexual orientation, gender identity, gender expression, sex characteristics intersecting among others traits such as ethnicity, age, language, race, color, religion, political, or other opinion, national, social, or geographical origin, disability, property, birth, or other status.

SECTION 4. *Declaration of Policies.* Guided by the foregoing principles, the Local Government of Cebu City shall:

- A) Recognize the complex, multi-dimensional and diversity aspects of a human being's spectra of sexual orientation, gender identity, gender expression and sex characteristics.
- B) Respect, protect, fulfill and promote all human rights and fundamental freedom of of people of diverse sexual orientation, gender identity, gender expression and sex characteristics;
- C) Promote the empowerment of individuals and pursue equal opportunities for people of diverse sexual orientation, gender identity, gender expression and sex characteristics and ensure equal access to resources, and to development results and outcome;

- D) Eliminate discriminations against those who have been marginalized because of their diverse sexual orientation, gender identity, gender expression and sex characteristics;
- E) Endeavor to develop plans, policies, programs, measures, and mechanisms to address discrimination and inequality in the economic, political, civil, social, and cultural life of people of diverse sexual orientation, gender identity, gender expression and sex characteristics;
- F) Provide the necessary mechanisms to promote gender equality and undertake all legal measures necessary to foster and promote the equal opportunity for people of diverse sexual orientation, gender identity, gender expression and sex characteristics, to participate in and contribute to the development of the civil, political, economic, social, and cultural realms;

ARTICLE II

Definition of Terms

SECTION 5. *Definitions.* For purposes of this ordinance, the following terms are defined as follows:

- A) **Constraints:** a limitation or restrictions set to impede or hinder a person in the access and exercise its rights.
- B) **Women:** are persons who identifies specifically to feminine social roles and expectations;
- C) **Men:** are persons who identifies specifically to masculine social roles and expectations;
- D) **Gender:** is a socially constructed difference between and/or beyond the normative binary identities of men and women.

Differences are created artificially, partly through socialization and partly through positive and negative discrimination in the various institutions and structures of society through time; it may also characterized complex aspects of a person's sex characteristics, gender identity, gender expression and sexual orientation.

- E) **Gender Equality:** A human right that demands of a social order providing for equal treatment of men and women, regardless of sex characteristics, gender identity, gender expression and sexual orientation; and equal opportunities for their full development without any discrimination.

- F) **Gender-based:** With regard to sex characteristics, gender identity, gender expression and sexual orientation.
- G) **Gender- Based Discrimination:** any unequal treatment, unreasonable, classification, exclusion or restriction due to one's sex characteristics, gender identity, gender expression and sexual orientation which results to the impairment or nullification of the recognition, enjoyment, or exercise of human rights and fundamental freedoms in the political, economic, social, cultural, civil, or any other field.
- H) **Gender Expression:** refers to the way that a person uses appearance, mannerisms and other personal traits to communicate their gender. (e.g. masculine, feminine, androgynous)
- I) **Gender Identity:** is the personal sense of one's own gender. It can correlate with assigned sex at birth, or can differ from it such is classified as cisgender, transgender, genderqueer.
- J) **Intersectionality:** the experience of being disadvantage due to personal traits used as a source of oppression in varying configurations and varying degrees of intensity.
- K) **LGBTIQ+:** is a compounded acronym to connote 'the community' that is composed of a non-cisgender-straight dichotomy.
- L) **Sex Characteristics:** refers to chromosomal, gonadal, and anatomical features of a person, which include primary characteristics such as reproductive organs, genitalia and/or in chromosomal structures and hormones; and secondary characteristics such as muscle mass, hair distribution, breasts, and/or stature; classified accordingly as male, female, intersex.
- M) **Sexual Orientation:** direction of one's sexual interest on the opposite sex, same or both sexes, or the lack thereof typified as:
- a. Heterosexuality – the attraction to the opposite gender;
 - b. Homosexuality – the attraction to the same gender;
 - c. Bisexuality – the attraction to both genders;
 - d. Pansexuality – the attraction to another regardless of gender, and;
 - e. Asexuality – the lack of attraction to another gender.
- N) **SOGIESC** – acronym to connote sexual orientation, gender identity, gender expression and sex characteristics.

ARTICLE III

Dignity, Equality and Self-Determination

SECTION 6. *Right to Dignity.* As human beings, people of diverse sexual orientation, gender identity, gender expression and sex characteristics, have a right to dignity.

SECTION 7. *Right to Equality.* As human beings, people of diverse sexual orientation, gender identity, gender expression and sex characteristics, are entitled to equality of treatment and just application of laws.

SECTION 8. *Right to Self-Determination.* As human beings, people of diverse sexual orientation, gender identity, gender expression and sex characteristics, has the right to freely make choices and decisions based on their dispositions of a personal circumstance, bodily integrity and physical autonomy, such as but not limited to whom to love, to recognize and be recognized of its own gender, how one communicate its gender and/or a uniquely different biological makeup, that directs them in the pursuit of a better, fuller and happy life.

ARTICLE IV

Offensive Acts

SECTION 9. *SOGIESC-Based Violations Against Dignity.* The following are considered as SOGIESC-based contemptuous acts committed against individuals resulting in or through disregard of their right to respect, privacy and dignity:

- A) Maliciously humiliating in public an individual due to the person's sexual orientation, gender identity, gender expression and sex characteristics and/or civil status whether said, done or written in a comical or serious manner;
- B) Maliciously inflicting physical harm on the individual due to the person's sexual orientation, gender identity, gender expression and sex characteristics;
- C) Vexing, harassing, threatening the individual, either physically, verbally, in writing, or for publications about to the person's sexual orientation, gender identity, gender expression and sex characteristics;
- D) Continuously subjecting the individual to jokes, pranks, humor due to the person's sexual orientation, gender identity, gender expression and sex characteristics whether said, done, or written, despite demand to discontinue.

SECTION 10. SOGIESC-Based Discrimination. The following are considered SOGIESC-based discrimination in this ordinance:

- A) Invasion of personal autonomy and self-development – Imposing rules or policies that is personal and includes areas that only concern the individual decision to himself such as but not limited to ‘No Cross-dressing’ and Haircut Policies.
- B) Constraints in the access to government services and resources – No person shall be denied access to government basic services, assistance, resources and information due to a person’s sex characteristics, gender identity, gender expression and sexual orientation.
- C) Constraints to economic opportunities – No person shall be denied access to capability building and livelihood opportunities due to a person’s sex characteristics, gender identity, gender expression and sexual orientation. With regards to labor and employment, no person shall be dismissed from work because of one’s sex characteristics, gender identity, gender expression and sexual orientation; further, no person shall receive a different salary or wage or compensation benefits solely on the bases of sex characteristics, gender identity, gender expression and sexual orientation.
- D) Constraints to the access to health, care and wellness due to a person’s sex characteristics, gender identity, gender expression and sexual orientation.
- E) Constraints in the access to education and learning due to a person’s sex characteristics, gender identity, gender expression and sexual orientation.
- F) Constraints in the access of accommodaton, facilities, utilities, transportation, goods and services open to the public due to a person’s sex characteristics, gender identity, gender expression and sexual orientation.
- G) Constraints to the government recognition, registration, accreditation, licensing due to a person’s sex characteristics, gender identity, gender expression and sexual orientation.
- H) Constraints to access to consultative and other political processes – No person shall be denied his/her right to participation, expression of his/her opinion on a public issue

and/or be denied his/her involvement in any political process due to his/her sex, gender and sexual orientation.

SECTION 11. Penalties. Any violations under Sections 9 and 10 are penalized as follows:

a) Penalties for SOGIESC-based Violations against Dignity:

The acts falling under Sec. 9 in paragraphs A and B shall be punishable by 6 months imprisonment and/or a fine of five thousand pesos, while the acts described in paragraphs C and D shall be punishable by 3 months imprisonment and/or a fine of three thousand pesos, or both, at the discretion of the court.

b) Penalties for SOGIESC-based Discrimination:

The acts falling under Sec. 10 shall be punishable by six months of imprisonment and/ or five thousand pesos, or both, at the discretion of the court. Should a business entity or its branch be sued, the president, the immediate manager and/or supervisor/department head shall be held liable with the erring employee.

ARTICLE V

SOGIESC Programs

SECTION 12. Programs, Projects and Other Activities. The City of Cebu thru the city's SOGIESC Pride Empowerment Council (SPEC) shall sponsor trainings, seminars, advocacy events and other projects in areas of but not limited to SOGIESC's active participation, sustainable sectoral development and empowerment, equitable access to quality education, competitiveness in economic opportunities, support for environmental protection, climate change adaptation, disaster risk reduction and resiliency, health and anti-drug abuse, gender equality and sensitivity, social protection, capacity-building and sports development, that builds capacities of SOGIESC Communities to further individual and sectoral development that can contribute the promotion of SOGIESC equality and sensitization. Shall further observe the commemoration of landmark events significant to the LGBTQ+ community.

SECTION 13. Information, Education, Campaign. The City of Cebu thru its Gender and Development Council or its secretariat, the Gender and Development Office, and SOGIESC Pride Empowerment Council shall undertake information dissemination activities in order to raise the awareness on and sensitivity of the public to SOGIESC issues.

SECTION 14. Databank. The Secretariat shall endeavor data generation to determine the specific needs of the members of the sector as prescribe by the data privacy laws.

SECTION 15. Associations. The City of Cebu shall encourage the establishment of associations of individuals of various sexual orientation, gender identity, gender expression and sex characteristics with the end that they become partners with the local government towards progress and development.

SECTION 16. Assistance to Associations through Accreditation. Subject to usual accounting rules and audit procedures, said associations may receive assistance from the City for its various SOGIESC equality promotion projects provided that the same is in accord with the City's GAD PLAN.

ARTICLE VI CITY SOGIESC PRIDE EMPOWERMENT COUNCIL (SPEC)

Section 17. Creation. The Cebu City Government shall establish an office to implement the programs set in this ordinance to be known as SOGIESC Pride Empowerment Council (SPEC).

Section 18. Functions. The SOGIESC Pride Empowerment Council (SPEC) shall discharge the following functions:

- A. Serve as the core advocacy on SOGIESC Empowerment and development.
- B. Finalize 3-year Strategic Plan anchored in the city's GAD plan.
- C. Monitor and evaluate the implementation of the Strategic plan.
- D. Draft and recommends policies and perform such other functions as may be prescribed by law and in furtherance of this ordinance.

SECTION 19. Composition. The SOGIESC Pride Empowerment Council (SPEC) shall be composed of the following:

- A. Mayor or its authorized representative
- B. Chairperson, Committee on Social Welfare and Services
- C. Liga ng mga Barangay - President
- D. SK Federation President
- E. Head, Department of Social Welfare and Services
- F. DepEd City Division
- G. Head, Gender and Development Focal
- H. City Health Officer
- I. Cebu City Police Office
- J. City-wide GAD Federation President
- K. City-wide SPEC Federation
- L. 1 SOGIESC Community-based Association
- M. 1 SOGIESC Workplace Associations
- N. 1 SOGIESC Students Associations
- O. Ex Officio
- P. CHR

Q. Cebu City Women and Family Affairs Commission
(CCWFAC) Chairperson / Representative

SECTION 20. Meeting. The Council shall meet monthly at the minimum for developing the Council's plans and evaluation.

SECTION 21. The Secretariat. There shall be a Secretariat Office which shall be headed by an Executive Director with a rank of at least a division chief. Such may be put under the Office of the Mayor. The local chief executive may designate personnel whom she/he deems fit to serve the purpose of the ordinance.

SECTION 22. Functions of the Secretariat. The Secretariat shall have the following functions:

- A. Accredit all SOGIESC organizations in the city;
- B. Provide technical assistance to SPEC in the formulation of its three (3) years Strategic Plan;
- C. Facilitate SPEC meeting;
- D. Implement programs, plans and activities in accordance to the Strategic Plan and the ordinance;
- E. Provide technical and logistical support in the conduct of capacity-building trainings and other projects;
- F. Provide technical assistance and monitor implementations to barangay SPECs;
- G. Perform such other functions as may be prescribed by law, ordinance, or as the local chief executive may require.

ARTICLE VII SOGIESC PRIDE EMPOWERMENT COUNCIL (SPEC) IN BARANGAYS

SECTION 23. Establishment of SPEC in Cebu City Barangays. Barangays under the jurisdiction of the city shall create, determine the composition and convene their respective Barangay's SPEC six (6) months after the approval of the ordinance.

SECTION 24. Barangay SPEC Functions. The Barangay SOGIESC Pride Empowerment Council (SPEC) shall discharge the following functions:

- A. Serve as the core advocacy on SOGIESC empowerment and development in the barangay;
- B. Finalize three-year Strategic Plan anchored in the barangays' GAD plan;
- C. Monitor and evaluate the implementation of the Strategic Plan;

- D. Draft and recommend policies and perform such other functions as may be prescribed by law and in furtherance of this ordinance.

SECTION 25. Composition. The Barangay SOGIESC Pride Empowerment Council (SPEC) shall be composed of the following:

- A. Barangay Captain
- B. Chairperson, Committee on Social Services
- C. Chairperson, Committee on Health
- D. Gender and Development Focal Person
- E. Representative, Lesbian Group
- F. 3 Representative, from LGBT Group
- G. Representative, CCWFAC

SECTION 26. SPEC Officer. There shall be a SPEC Officer which the barangay Local Chief Executive may designate personnel whom she/he deems fit to serve the purpose of the ordinance.

SECTION 27. Barangay SPEC Officer Functions. The SPEC Officer shall have the following functions:

- A. Organize SOGIESC organization in their respective barangay.
- B. Facilitate accreditation of barangay SOGIESC organization at the City SPEC Secretariat.
- C. Conduct activity to formulate Barangay SPEC 3 years Strategic Plan.
- D. Facilitate SOGIESC organization's meeting.
- E. Implements programs, plans and activities with the SOGIESC organization in accordance to the Strategic Plan and the ordinance.
- F. Provide logistical support in the conduct of capacity-building trainings and other projects of SOGIESC advocacy in the barangay.
- G. Perform such other functions as may be prescribed by law, ordinance, or as the barangay local chief executive may require.

ARTICLE VIII

Final Provisions

SECTION 28. Appropriations. The amount of Three Million Pesos (Php3,000,000.00) at the minimum shall be source from the Gender and Development budget fund annually for the implementation of this measure.

SECTION 29. Implementing Rules and Regulations. The City Legal Office with the designated City SPEC Executive Director shall promulgate the rules and regulations pursuant to this ordinance within sixty days after the passage.

SECTION 30. *Separability Clause.* If any of the provisions of this ordinance is declared invalid, the other provisions not affected shall remain in full force and effect.

SECTION 31. *Repealing Clause.* All ordinance provisions inconsistent with this measure are hereby repealed.

SECTION 32. *Effectivity.* This ordinance shall take effect after fifteen days following its complete publication in a newspaper of general circulation.

HON. JESSICA RESCH
City Councilor