



Republika ng Pilipinas
SANGGUNANG PANLUNGSOD
Lungsod Mandaluyong

ORDINANCE NO. 839, S-2021

AN ORDINANCE PROHIBITING DISCRIMINATION ON THE BASIS OF RACE, COLOR, ETHNICITY, SEX, LANGUAGE, RELIGION, POLITICAL OR OTHER OPINION, NATIONAL OR SOCIAL ORIGIN, PROPERTY, PHYSICAL FEATURES, BIRTH AND OTHER STATUS, INCLUDING DISABILITY, AGE, NATIONALITY, MARITAL AND FAMILY STATUS, SEXUAL ORIENTATION, GENDER IDENTITY, GENDER EXPRESSION, SEX CHARACTERISTICS, HEALTH STATUS, PLACE OF RESIDENCE, ECONOMIC AND SOCIAL SITUATION, MATERNITY, AND PREGNANCY, AND PROVIDING PENALTIES THEREFOR

WHEREAS, the Philippines is a party to several international covenants such as the Universal Declaration of Human Rights (UDHR), International Covenant on Economic, Social and Cultural Rights (ICESR), the International Covenant on Civil and Political Rights (ICCPR), the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Rights of the Child (CRC), the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CRMW), and the Convention on the Rights of Persons with Disabilities (CRPD) that seek to eliminate all forms of discrimination and abuse, among others;

WHEREAS, Article II, Section 11 of the 1987 Philippine Constitution enunciates that the State values the dignity of every human person and guarantees full respect for human rights. Furthermore, Article III, Section 1 of the Constitution guarantees that "no person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the law";

WHEREAS, Article XIII, Section 1 of the 1987 Philippine Constitution enunciates 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 which shall be given the highest priority. Further, Section 2 thereof pronounces the promotion of social justice;

WHEREAS, promoting and upholding the rights will not only enhance their freedom, welfare, and human dignity, but will also promote social justice as a whole and will contribute to the enhancement of a human rights culture in the country;

WHEREAS, pursuant to democratic precept which places high premium on the importance of fundamental human rights and entitlements, every person must be given equal access to opportunities in all fields of human endeavors and to equitable sharing of social and economic benefits for them to freely exercise the rights of which they are rightfully entitled, free from any prejudice and discrimination;



WHEREAS, stigma and discrimination still prevail especially against persons with disability, the LGBTIQA+ community, people with compromised health status (such as HIV, hepatitis, leprosy, tuberculosis, mental health disorders and illnesses), non-traditional family structures, women, indigenous people, and other vulnerable communities;



WHEREAS, in view of the foregoing, there is an urgent need to curtail discrimination in all facets of life in the City.

NOW, THEREFORE, BE IT ORDAINED by the Sangguniang Panlungsod ng Mandaluyong, in session duly assembled that:

SECTION 1. SHORT TITLE. This Ordinance shall be known as the "Comprehensive Anti-Discrimination Ordinance of the City of Mandaluyong."



SECTION 2. DECLARATION OF POLICY. The City recognizes the fundamental right of every person, regardless of race, color, ethnicity, sex, language, religion, political or other opinion, national or social origin, property, physical features, birth and other status, including disability, age, nationality, marital and family status, sexual orientation, gender identity, gender expression, sex characteristics, health status, place of residence, economic and social situation, maternity, and pregnancy to be free from any form of discrimination.

SECTION 3. DEFINITION OF TERMS.

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- a. ACCOMMODATION – refers to a house, apartment, condominium, townhouse, flat, hotel, villa, motel, boarding house, hostel, dormitory, elderly homes, detention centers, rehabilitation facilities, orphanages, health facilities, including mental health facilities, birthing homes and hospital clinics, detention centers, camping grounds, and other analogous places, whether public or private.
- b. COLOR – refers to the pigmentation of the skin, especially as an indication of an individual's race and ethnic origin.
- c. DISABILITY – Disability refers to long-term physical, mental, intellectual, or sensory impairments which in interaction with various barriers may hinder a person's full and effective participation in society on an equal basis with others.
- d. DISCRIMINATION – Discrimination constitutes any distinction, exclusion, restriction or preference or other differential treatment that is directly or indirectly based on the protected attributes such as race, color, ethnicity, sex, language, religion, political or other opinion, national or social origin, property, physical features, birth and other status, including disability, age, nationality, marital and family status, sexual orientation, gender identity, gender expression, sex characteristics, health status, place of residence,
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economic and social situation, maternity, and pregnancy, and which has the intention or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of political, civil, economic, social, or cultural rights. It also includes association with a person who has, or is believed to have, any of these attributes. Discrimination, which also includes incitement to discriminate and harassment, is a result of stigma.



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- e. **ECONOMIC AND SOCIAL SITUATION** – refers to a person’s income, occupation, and/or education.
- f. **EDUCATION AND TRAINING** – refers to all types and levels of education, and includes access, standard and quality of education, and the conditions under which the same is given.
- g. **EMPLOYMENT** – refers to the existence of an employer-employee relationship, as determined by existing law and jurisprudence, as well as terms, conditions and privileges relating to work in public and private institutions, including recruitment policies, application procedures, training, incentives, compensation, determination of benefits or allowances, promotion, advancement opportunities, transfer and dismissal.
- h. **ETHNICITY** – refers to a large group of people with shared understanding of history and territorial origins (regional and national), as well as on particular cultural characteristics such as language, music, values, art, styles, literature, family life, religion, ritual, food, naming, public life, and material culture.
- i. **FAMILY STATUS** – refers to being in a parent-and-child relationship, involving care, responsibility and commitment, not limited to just parent/child by blood or adoption. This includes parents caring for children (including children by blood, adoption, fostering, and step-parenting) and adults caring for aging parents or other relatives with disabilities. This also includes families headed by people who identify in the queer community as lesbian, gay, bisexual, or transgendered, as well as families headed by people who identify as heterosexual.
- j. **GENDER EXPRESSION** – refers to a person’s presentation of their gender through physical appearance, including dress, hairstyles, accessories, cosmetics, and mannerisms, speech, behavioral patterns, names, and personal references.
- k. **GENDER IDENTITY** – refers to each person’s deeply felt internal and individual experience of gender, which may or may not correspond with the sex assigned at birth, including the personal sense of the body (which may involve, if freely chosen, modification of bodily appearance or function by medical, surgical, or other means) and other expressions of gender, including dress, speech, and mannerisms.
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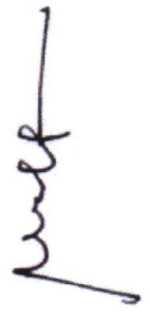
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- l. **GOODS AND SERVICES** – refer to the material and nonmaterial products or things of value offered for sale to satisfy needs and wants for survival, comfort, or pleasure, such as but not limited to that provided by restaurants, resorts, hotels, clubs, stores, and shopping malls, or acts or services provided by financial establishments, public utilities, professionals, maintenance and repair workers, laborers, among others;
- m. **HEALTH STATUS** – refers to a person's physical or mental health. In particular, HIV-AIDS status of a person and other health conditions such as, but not limited to, leprosy, hepatitis, tuberculosis, mental illness, and mental health disorders, among others that subject them to social stigma.
- n. **LANGUAGE** – includes spoken and signed languages and other forms of non-spoken languages.
- o. **LGBTIQA+** – refers to the evolving acronym that stands for lesbian, gay, bisexual, transgender, intersex, queer/questioning, and asexual.
- p. **MARITAL STATUS** – refers to the personal status of each individual in relation to the marriage laws or customs of the country. The categories of marital status include any of the following: single, married, separated, widowed, or de facto spouse of another person. A de facto spouse of another person is defined to mean a person who cohabits or lives with another person in a relationship similar to marriage but is not legally married to that person.
- q. **PHYSICAL FEATURES** – refer to a person's height, weight, size, shape, or other bodily characteristic. These also include facial features, hair, scarring, moles and birthmarks. Physical features may also include piercings, tattoos or body modifications.
- r. **POLITICAL OR OTHER OPINION** – refers to a person's preference as regards membership or belief in a particular political party, organization, or ideology. It covers both the holding and not-holding of opinions, as well as expression of views or membership within opinion-based associations, trade unions, or political parties.
- s. **PUBLIC RIDICULE** – refers to an act of making fun, contemptuous imitation or mockery of a person whether in writing, words, or action in a public space, public place, or public platforms including social media platforms.
- t. **RACE** – refers to the perceived unique common physical and biogenetic characteristics of a population, including ethnic origin.

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- u. RELIGIOUS AFFILIATION OR BELIEF – refers to the profession of religion or belief of one's choice, including the non-profession of any religion or belief, that may be publicly or privately manifested in worship, observance, practice, and teaching.
 - v. SEX CHARACTERISTICS – refer to a person's physical features relating to sex, including genitalia and other sexual and reproductive anatomy, chromosomes, hormones, and secondary physical features emerging from puberty.
 - w. SEXUAL ORIENTATION – refers to each person's capacity for profound emotional, affectional, and sexual attraction to, and intimate and sexual relations with, individuals of a different gender or the same gender or more than one gender.
 - x. SOCIAL ORIGIN – refers to a person's inherited social status.
 - y. STIGMA – refers to the dynamic devaluation and dehumanization of an individual in the eyes of others, which may be based on attributes that are arbitrarily defined by others as discreditable or unworthy, and which results in discrimination when acted upon.
 - z. VULNERABLE COMMUNITIES – refer to communities or sectors that encounter stigma and discrimination based on the statuses enumerated in this Ordinance.



SECTION 4. PROHIBITED ACTS. It is hereby prohibited to discriminate any person and/or group of persons on the basis of actual or perceived race, color, ethnicity, sex, language, religion, political or other opinion, national or social origin, property, physical features, birth and other status, including disability, age, nationality, marital and family status, sexual orientation, gender identity, gender expression, sex characteristics, health status, place of residence, economic and social situation, maternity, or pregnancy (collectively referred to as "statuses"). As such, the following acts shall be deemed discriminatory:



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- a. Deny a person access to public programs and services on the basis, or on the account, of any actual or perceived statuses;
 - b. Refuse admission or expel or dismiss a person from any educational or training institution on the basis of any actual or perceived statuses, without prejudice to the right of educational or training institutions to determine the academic qualifications and non-academic training requirements of their students, student-applicants, or trainees;
 - c. Refuse or revoke the accreditation, formal recognition, and/or registration of any organization, group, institution, or establishment in educational institutions, workplaces, communities, government entities and similar settings, or the imposition of additional requirements beyond the customary solely on the basis of any actual or perceived statuses;

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- d. Deny or limit access of an employee to the same terms and conditions of work, opportunities for training, transfer or promotion, or to other benefits connected with the employment, as are made available for other employees having the same qualifications and employed in the same circumstances or work of the same kind or type, or by imposing on the person onerous terms and conditions on the basis of any actual or perceived statuses;
 - e. Refuse employment to a job applicant on the basis of any actual or perceived statuses;
 - f. Dismiss an employee, or subject an applicant for employment or an employee to any act of discrimination on account of any actual or perceived statuses;
 - g. Deny an application for or revoke a license, clearance, certification or any other document issued by the government or other private juridical entities due to any actual or perceived statuses;
 - h. Deny a person's access to medical and other health services, as well as to health insurance, and other related benefits as provided for under the law on the basis of any actual or perceived statuses;
 - i. Refuse to supply goods or provide services, and/or imposing onerous terms and conditions, based on any actual or perceived statuses, as a prerequisite for supplying goods or providing services where the said terms and conditions are not imposed on another person on the same or similar circumstances;
 - j. Failure to make reasonable efforts to make facilities accessible to people whose disabilities reduce their range of mobility;
 - k. Refuse or fail to accept or process the application for any land or interest thereof, housing and other accommodations on the basis of any actual or perceived statuses;
 - l. Deny or disallow a person's access to and/or the use of private and public establishments, facilities, utilities, and any mode of transportation that are open to the general public on the basis of any actual or perceived statuses. Furthermore, there is a denial, when among others:
 - 1) A person is given inferior accommodations or services than what would be provided to another person on the same or similar circumstances solely on the basis of any actual or perceived statuses;
 - 2) Rejection of any application, entry, and participations solely on the basis of any actual or perceived statuses; and

3) Imposition of onerous terms and conditions not similar to others whom they would allow access to and/or use of the aforementioned on the basis of any actual or perceived statuses;

- m. Deny any person access to any medical, physical or psychological examination or treatments, faith-based practices or other similar procedures that aim to change identity or physical attributes, behavior or expression, on account of any or actual or perceived statuses;
- n. Deny prevent, impede, prohibit, obstruct or intervene any person from exercising his political rights and obligations, including but not limited to the right to vote in any election most importantly national or local elections on account of any or actual or perceived statuses;
- o. Act as principal or agent by inciting others to commit discrimination or any action that is unlawful by means of any of the provisions of this Ordinance, or by assisting or promoting, whether through financial assistance or otherwise, the doing of such act;
- p. Publicly ridicule a person or group of persons on the basis of any actual or perceived statuses;
- q. Deliver speeches or making utterances, doing acts of hatred or violence against another person, or mocking, or ridiculing another person on the basis of any actual or perceived statuses;
- r. Failure on the part of the concerned government officials, officers of private establishments, educational institutions, non-government organizations and any other private or government institutions to act, within a reasonable time, on complaints against such discrimination; and
- s. Any other analogous act which demeans the dignity and self-respect of a person or reduces, impairs, or nullifies the recognition, enjoyment, or exercise of his or her human rights and fundamental freedoms in civil, political, labor, economic, social, cultural, educational spheres on the basis of any actual or perceived statuses.

SECTION 5. EXCEPTIONS. Any action or conduct, otherwise prohibited under Section 4 of this Ordinance, shall not be deemed discriminatory:

- a. Where any of the involved statuses are bona fide occupational qualifications reasonably necessary to the normal operation of the particular business or where the differentiation is based on reasonable factors (Genuine Occupational Qualifications);

- b. Where distinction, exclusion, or preference in respect of a particular job is based on inherent requirement, and requirement is a proportionate means of achieving a legitimate aim (Inherent Requirement).

SECTION 6. PERSONS LIABLE. Any person, natural or juridical, who commits any of the acts herein prohibited shall be held liable under this Ordinance. In the case of juridical persons, such as but not limited to government or private corporations, companies, partnerships, associations, institutions, whether private or public, the President or head of office, manager, and other concerned officers shall be held liable. Furthermore, any person who authorizes, instructs, requests, encourages, or assists another to commit any of the prohibited acts herein shall also be held liable under this Ordinance. Any person who is duty bound to act on complaints of discrimination under this Ordinance but fails or refuses to do so shall be deemed to have sanctioned the discriminatory act and shall consequently be held equally liable.

SECTION 7. INCORPORATION OF DISCRIMINATION CONCERNS WITH FUNCTIONS OF EXISTING VIOLENCE AGAINST WOMEN AND CHILDREN (VAWC) DESK/ HUMAN RIGHTS DESK IN MANDALUYONG CITY POLICE DISTRICT. The Mandaluyong City Police District is strongly encouraged to handle specific concerns relating to the discriminatory acts enumerated under this Ordinance through existing Violence Against Women or VAWC/Human Rights Desk in all police stations Mandaluyong City.

SECTION 8. DESIGNATING THE MANDALUYONG CITY PRIDE COUNCIL (MCPC) WITH OVERSIGHT FUNCTIONS UNDER THE ORDINANCE. The Mandaluyong City Pride Council was created through Ordinance No. 698, S-2018, known as the "Anti-Discrimination Ordinance (ADO) on the basis of Sexual Orientation and Gender Identity and Expression (SOGIE) for the protection of Lesbians, Gays, Bisexuals, Transgenders, Intersex, and Queers (LGBTIQs)," to oversee its implementation.

Under this Ordinance, the Mandaluyong City Pride Council is designated to exercise similar oversight functions over the implementation of this Ordinance. The following shall be the principal functions of MCPC:

1. Monitor complaints concerning violations of any provisions of this Ordinance;
2. Facilitate and assist the victims of stigma and discrimination to ensure that they have legal representation, counseling, 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; and

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5. Monitor and/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 recommend necessary amendments of those provisions to effectively eliminate discrimination stigma based on race, color, ethnicity, sex, language, religion, political or other opinion, national or social origin, property, physical features, birth and other status, including disability, age, nationality, marital and family status, sexual orientation, gender identity, gender expression, sex characteristics, health status, place of residence, economic and social situation, maternity, and pregnancy.
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SECTION 9. APPROPRIATION CLAUSE. For the effective implementation of this Ordinance, the City Government of Mandaluyong shall source out funds from the five (5%) of the annual budget appropriated to finance the Gender and Development (GAD) plans, projects, and programs after complying with the existing laws, rules, and regulations and to cover the operational and management expenses of the Mandaluyong City Pride Council as well as for other expenses necessary for the proper, responsive, and full operation of the Pride Council.



SECTION 10. WHERE AND HOW TO FILE A COMPLAINT. Any person whose rights against discrimination has been violated, as defined under this Ordinance, may file a complaint to the Lupon Chairman of the Barangay in whose jurisdiction the acts of discrimination took place. Whereupon the complaint shall undergo the process of mediation, conciliation, or arbitration as provided for under the provisions of the 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 on the procedure on the initiation and filing of the formal complaint before the courts for the violation of this Ordinance.



SECTION 11. NON-APPLICABILITY OF THE NO CONTEST PROVISION. Ordinance No. 599, S-2015, known as "An ordinance establishing the procedure in the implementation of a City Ordinance," as amended, including its No Contest Provision does not apply to this Ordinance. Consequently, no Ordinance Violation Receipt (OVR) shall be issued to the offender.



SECTION 12. PENALTIES. Any person held liable under this Ordinance shall be penalized with imprisonment for a period of not less than thirty (30) days but not more than six (6) months and/or a fine of not less than One Thousand Pesos (Php 1,000.00) but not to exceed Five Thousand Pesos (Php5,000.00), 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 13. IMPLEMENTING RULES AND REGULATIONS. Within sixty (60) days from the effectivity of this Ordinance, the Mandaluyong City Pride Council shall jointly 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.



SECTION 14. 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.

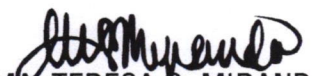
SECTION 15. SEPARABILITY CLAUSE. If any portion or provision of this Ordinance is declared void or unconstitutional by a competent court, the remaining provisions hereof shall not be affected by such declaration, thereby shall remain in full force and effect.

SECTION 16. REPEALING CLAUSE. All Ordinances, Executive Orders, Rules and Regulations, or parts thereof which are inconsistent with any of the provisions of this Ordinance are hereby repealed, revoked, or modified accordingly.

SECTION 17. EFFECTIVITY. This Ordinance shall take effect after fifteen (15) days following its publication in a newspaper of general circulation in Metro Manila.

ENACTED on this 9th day of August, 2021 in the City of Mandaluyong.

I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS
ENACTED AND APPROVED BY THE SANGGUNIANG
PANLUNGSOD OF MANDALUYONG IN A REGULAR SESSION
HELD ON THE DATE AND PLACE FIRST ABOVE GIVEN.


MA. TERESA S. MIRANDA
Sanggunian Secretary

ATTESTED BY:


JESUS C. CRUZ
City Councilor &
Acting Presiding Officer

APPROVED:


CARMELITA A. ABALOS
City Mayor

Date: AUG 23 2021