

**[SAN JUAN CITY ORDINANCE NO. 58 Series of
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OFFICE OF THE SANGGUNIANG PANLUNGSOD

**AN ORDINANCE PROHIBITING DISCRIMINATION IN SAN JUAN
CITY ON THE BASIC OF DISABILITY, AGE, RACE, LOOKS,
HEIGHT, STATUS SEXUAL ORIENTATION, GENDER IDENTITY,
ETHNICITY, AND RELIGION AND PROVIDING PENALTIES FOR
VIOLATIONS**

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Whereas, Article XIII, Section 1 (a) of the 1997 Philippine Constitution states that the enactment of measures that project and enhance the right of the people to human dignity, reduce social, economic and political inequalities, and remove cultural inequalities shall be given highest priority;

Whereas, Article II, Section 11 of the 1987 Philippine Constitution states 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 denied the equal protection of the law;

Whereas, as citizens living in a democratic society, all persons must be given the equality of access and opportunity in all field of human endeavour and to the equitable sharing of social and economic benefits;

Whereas, stigma of discrimination is still very much prevalent specially with persons with disability, senior citizens, children, youth women, lesbians, gay, bisexuals, transgender (LGBT), people with different spiritual faith and indigenous persons;

NOW THEREFORE, BE IT ORDAINED BY THE SANGGUNIANG PANLUNGSOD OF SAN JUAN CITY IN SESSION DULY ASSEMBLED:

Section 1. Title – This act shall be known as the "Anti-Discrimination Ordinance of San Juan City."

Section 2. Declaration of Policy – it is hereby declared the policy of the City to promote equality and to actively eliminate all forms of discrimination that violates

the equal protection of Human Rights as enhanced in the Bill of Rights and other existing laws as well as in the various international conventions to which the country adheres to.

Section 3. Definition of Terms. – for purposes of the ordinance the following terms shall be defined as follows:

- a. Discrimination shall mean any act or action committed to manifest prejudice, unequal treatment, destruction, exclusion, restriction or preference which is based on any ground such as sex, sexual orientation, age, race, looks, height, color, gender identity, personal status (legitimate or illegitimate, single or married), race or ethnicity whether actual or perceived and which has the purpose or effect of nullifying or impairing the recognition, enjoyment, or exercise by all persons of an equal footing of all rights and freedoms.
- b. Age refers to the persons time of existence or duration of life. This is references to ageism where one is discriminated on the basis of age.
- c. Disability refers to an individuals with 1) a physical or mental impairment that substantially limits one or more psychological, physiological or anatomical function of an individual; 2) a record of such impairment; or 3) being regarded as having such impairment.
- d. Ethnicity refers to the characteristic of a person or group of persons sharing a common and distinctive racial, national, religious, linguistic or cultural heritage.
- e. Gender identity denotes that personal sense of identity as characterized among others, by manners of clothing, inclinations and behaviour in relation to masculine or feminine conventions. A person may have a male or female identity with physiological characteristic to the opposite sex.
- f. Race is a classification system used to categorize humans into large and distinct populations or groups by anatomical, cultural, ethnic, genetic, geographical historical, linguistic, religious or social affiliation.
- g. Religion refers to a set of beliefs concerning the cause, nature and purpose of the universe especially when considered as the creation of a superhuman agency or agencies, usually involving devotional and ritual observations, and often containing a moral code governing the conduct of human affairs.
- h. Sexual Orientation refers to the direction of emotional sexual attraction or conduct. This can be towards people of the same sex (homo sexual orientation) or towards people of both sexes (bisexual orientation) or towards people of the opposite sex (heterosexual orientation).

Section 4. Prohibited Acts – It shall be prohibited to discriminate against any person and/or group of persons on the basis of their disability, age, health, status, looks, color, race, height, sexual orientation, gender identity, gender and sexual preferences, personal status, ethnicity, and religion. It is unlawful for any person, natural or judicial, to:

- a. Deny access to public programs and services;
- b. Include disability, age, health status, looks, race, height, sexual orientation, gender identity, personnel status, ethnicity and religion, in the criteria for hiring, promotion and dismissal of workers, and in the determination of employee compensation, training, incentives, privileges, benefits or allowances, and other terms and conditions of employment unless otherwise necessary and inherent in the position. Notices for job openings and vacancies must avoid qualifications such as "good looking", "with fair complexion", the setting of a height minimum, and like requirements, if no direct connection to the position or vacancy can be shown to require such a qualification.
- c. Refuse admission to or expel a person from any educational institutions on the basis of disability, age, health status, personal status, sexual orientation, gender identity, personal status, ethnicity and religion, without prejudice to the right of educational institutions to determine the academic qualifications of their students.
- d. Refuse or revoke the accreditation, formal recognition, and/or registration of any organization, group, institution or establishment, in educational institutional, workplace, communities, and similar settings, solely on the basis on the basis of the disability, age, health status, personal status, sexual orientation, gender identity, ethnicity and religion of their members or of their target constituencies;
- e. Deny a person's access to medical and other health services and insurance and other related benefits as provided for under the law on the basis of disability, age, health status, personal status, sexual orientation, gender identity, ethnicity and religion.
- f. Deny a person's access to and/or the use of private and public establishments, facilities, utilities, transportation or services, including accommodations in hotels, inns, dormitories or any other places of dwelling being rented out or offered to the public for a fee, rental or other forms of compensation on the basis of disability, age, color, race, health status, personal status, sexual orientation, gender identity, ethnicity, and religion. There is denial when: 1) a person is given inferior accommodations or services and 2) rejection of any application, entry and participation solely on the basis of disability, age, color, race, health status, sexual orientation, gender identity, ethnicity and religion;
- g. Deny an application for or revoke a license, clearance, certification, or any other document issued by governmental authorities or other private or judicial entities on the basis of the applicant's disability, age, health status, personal status, sexual orientation, gender identity, ethnicity and religion as provided by existing law;
- h. Subject or force any person to any medical or psychological examination without the expressed approval of the person involved on the basis of perceived disability, age, health status, sexual orientation, gender identity and ethnicity.