



Republic of the Philippines
CITY COUNCIL
City of Manila

REGULAR SESSION NO. 121

11TH CITY COUNCIL

Begun and held in the City Council on Monday,
the eight day of February, Two Thousand Twenty-One

ORDINANCE NO. 8735

AN ORDINANCE PROHIBITING RACIAL, ETHNIC AND RELIGIOUS
DISCRIMINATION

Principal Authors: **HON. JOEL R. CHUA**, Majority Floor Leader, **HON. JOHANNA MAUREEN C. NIETO-RODRIGUEZ** and **HON. TERENCE F. ALIBARBAR**



Be it ordained by the City Council of Manila, in session assembled, *THAT*:

SECTION 1. Short Title. – This Ordinance shall be known as the "**Equality and Non-Discrimination on Race, Ethnicity and Religion Act**"

SEC. 2. Declaration of Policy. – As enshrined in the Constitution, it is the policy of the City to:

- a. maintain peace and order, protect life, liberty and property, and to promote the general welfare for the enjoyment of the blessings of democracy by all People;
- b. promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide adequate social services, promote employment, a rising standard of living and an improved quality of life;
- c. recognize and promote the rights of indigenous cultural communities within the framework of national unity and development;
- d. give the highest priority to the enactment of measures that shall protect and enhance the right of all people to human dignity; reduce social, economic and political inequalities; and remove cultural inequities by equitably diffusing wealth and political power for the common good; and
- e. ensure and support, among other things, the preservation and enrichment of culture, promote health and safety, enhance the right of the people to a balanced ecology, encourage and support the development of appropriate and self-reliant scientific and technological capabilities, improve public morals, enhance economic prosperity and social justice, promote full employment among their residents, maintain peace and order, and preserve the comfort and convenience of their inhabitants.

SEC. 3. Definition of Terms. – As used in this Ordinance:

- a. **Discrimination** - refers to any distinction, exclusion, restriction, or preference made on the basis of race color, descent, national or ethnic origin, religion, or religious affiliation or beliefs which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise on an equal footing, of the human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field of public life of a person. Discrimination includes incitement to discrimination or harassment.
- b. **Education and Training** - refers to all types and levels of education and training, and shall include access, standard and quality of education and training, and the conditions under which these are given.
- c. **Employment** - refers to the condition where an employer-employee relationship exists as determined by existing laws and jurisprudence, including those pertaining to terms, conditions and privileges relating to work in public and private institutions, such as recruitment policies, application procedures, training, incentives, compensation, determination of benefits or allowances, promotion, advancement opportunities, transfer and dismissal.
- d. **Ethnic Origin** - refers to the classification of people based on common color, racial, national, tribal, religious, ethno-linguistic or cultural origin or background.

- e. **Ethno-linguistic Group** - refers to a group of people that shares a distinct language, cultural inheritance and history that give them a unique identity, and which has racial, ethnic and religious bases.
- f. **Goods and Services** - refer to the material and non-material products or things of value offered for sale to satisfy needs and wants for survival, comfort, or pleasure such as those provided by restaurants, resorts, hotels, clubs, stores and shopping malls; or acts or services provided by credit or financial establishments, public utilities and services, professionals, maintenance and repair workers, laborers and similar workers.
- g. **Housing and other accommodations** - refer to a house, apartment, condominium, townhouse, flat, motel, boarding house, hotel, dormitory, shelter, elderly home, rehabilitation facility, orphanage, health facility including a mental health facility, detention center, camping ground and other analogous places.
- h. **Indigenous Cultural Communities and Indigenous peoples** - refer to a group of people or homogenous societies identified by self-ascription and ascription by others, who have continuously lived as an organized community on communally bounded and defined territory and who have, under claims of ownership since time immemorial, occupied, and other distinctive cultural traits, or who have, through resistance to political, social and differentiated from the majority of Filipinos, Indigenous cultural communities and indigenous peoples shall likewise include peoples who are regarded as indigenous on account of their descent from the populations which inhabited the country, at the time of conquest or colonization, or at the time of inroads of non-indigenous religious and cultures, or the establishment of present State boundaries, who retain some or all of their own social, economic, cultural and political institutions, but who may have been displaced from their traditional domains or who may have resettled outside their ancestral domains.
- i. **Religious Affiliation or Belief** - refers to the profession or non-profession of religion or beliefs of one's choice that may be publicly manifested in worship, practice and teaching.
- j. **Stereotype** - refers to a thought adopted about specific kinds of religious or ethnicities, or persons who practice a specific religion or who belong to a specific ethnic background, specifically with reference to their beliefs and ways of doing things, which are based upon oversimplified opinions or intolerant attitudes, regardless of whether such thoughts or beliefs accurately reflect reality.
- k. **Vehicle** - refers to a train, ship, bus, taxi, car, or aircraft, and such other forms of public conveyances and transport.

SEC. 4. Acts of Discrimination. – It is unlawful for any person, natural or juridical, to perform any act involving a distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin, religion, or religious affiliation or beliefs which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise on an equal footing of any human right or fundamental freedom in the political, economic, social, cultural, civil or any other field of public life.

An act is deemed discriminatory when a person requires another person to comply with a term, condition or requirement which are not reasonable, having regard to the circumstances of the case; or the other person does not or cannot comply with the term, condition or requirement; and the requirement to comply has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise on an equal footing by persons of the same race, color, descent, or national or ethnic origin, religion, or religious affiliation beliefs.

SEC. 5. Prohibited Acts. – The following acts or discrimination, when committed on the basis of race, color, descent, national or ethnic origin, religion, or religious affiliation or beliefs, against a person or any of one's relative, representative or assignee of that person, are deemed discriminatory, and shall be prohibited:

a. **Discrimination in Political Participation.** – A person acting as principal or as an agent shall be held liable for the commission of any of the following acts:

- 1) Preventing, impeding, prohibiting, obstructing or intervening in the exercise of political rights by another, including the right to vote and be voted upon in a national or local election, both regular or special, or in a plebiscite, both initiative or referendum;
- 2) Imposing onerous terms before these political rights are granted, preserved or protected; or
- 3) Subjecting another person who wants to exercise a political right to any act of discrimination.

b. **Discrimination in Employment.** –

- 1) An employer or head of a firm, company or organization shall be held liable for any of the following discriminatory acts:
 - (a) Refusing or failing to employ another for work of any type or kind which is available and for which the person is qualified, or by imposing on the person onerous terms or conditions;
 - (b) Denying or limiting 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; or
 - (c) Dismissing an employee or subjecting an applicant for employment or an employee to any act of discrimination on account of one's employment.
- 2) A person acting as principal or agent in procuring employment for other persons or procuring employees for an employer shall be held liable for treating an applicant seeking employment less favorable than another person in the same circumstances who is likewise seeking employment.
- 3) A person acting as principal or agent of any organization of employers or employees, or any person acting or purporting to act on behalf of such organization, shall be liable for preventing the continued employment of a person; and

- 4) A person responsible for providing the proper facilities mandated by law to those whose physical disabilities reduce their range of mobility ho fails to make reasonable efforts to make these facilities available or accessible.
- c. **Discrimination in Education and Training.** – A person who heads or owns an educational or training institution, including any officer, employee or person acting on behalf of the head or owner of such institution shall be liable for any of the following discriminatory acts:
- 1) Refusing or failure to admit a student, or expelling a student from an educational or training institution on the basic of religious affiliation or belief, without prejudice to the right of educational institutions to determine the academic qualifications and non-academic training requirements of their students;
 - 2) Denying or limiting access of a student to any benefit or privilege provided by the institution;
 - 3) Failing to make reasonable efforts to make facilities accessible to people whose disabilities reduce their range of mobility; and
 - 4) Subjecting the student to any other act of discrimination against one's right to relevant education and training.
- d. **Discrimination in the Delivery of Goods and Services.** – A person acting as principal or agent who supplies goods or services to the public or to any section of the public or to any section of the public shall be liable for any of the following discriminatory acts:
- 1) Refusing or failing on demand to supply those goods or services to a person;
 - 2) Refusing or failing on demand to supply those goods or services to another person except on less favorable terms or conditions than those upon whom they would otherwise supply those goods or services; or
 - 3) Subjecting another person to any other act of discrimination in connection with the provision of goods or services.
 - 4) Denying access to medical or health services open to the general public, and denying application for a license, clearance, certification or any other document issued by government authorities or other entities, with no lawful, valid or reasonable grounds.
- e. **Discrimination in the Acquisition, Possession, Utilization, Lease or Disposal of Lands, including Housing and other Accommodations.** –
- 1) A person acting as principal or agent in the acquisition, possession, utilization, leasing or disposal of lands or interest thereof, including housing and other accommodations, shall be liable for any of the following discriminatory acts:
 - a) refusing or failing to accept or process the application for any land or interest thereof, including housing and other accommodations;

- b) Disposing of such land or interest, or housing and other accommodations to another person on less favorable terms or conditions than those which are or would otherwise be offered;
- c) Treating another person who is seeking to acquire or had acquired an estate, land or interest thereof, housing and other accommodations less favorable than to other in the same circumstances;
- d) Refusing to permit another person to occupy any estate, land housing and other accommodations;
- e) Excluding any estate, land or interest thereof of another person or rejecting the right of another person to occupy any estate, land or housing and other accommodations;
- f) Subjecting an applicant to any other act of discrimination in acquisition, possession, utilization, lease or disposal of estate, land or interest thereof, housing and other accommodations; and
- g) Imposing or seeking to impose on another person any term or condition that limits the persons or class of persons who may be the clients, visitors or guests of any land or residential or business accommodation on the basis of any ground that would constitute discrimination.

f. Discrimination in Access to Public Places, Facilities and Public Meetings. – A person acting as principal or agent shall be liable for any of the following discriminatory acts:

- 1) Refusing to allow another person access to or use of any place, vehicle or facilities that the general public or section thereof is entitled or allowed to enter or use;
- 2) Refusing to allow another person access to or use of any such place, vehicle or facilities by providing onerous terms or conditions not similar to others who are allowed access to or use of the place, vehicle, or facilities;
- 3) Refusing to allow another person access to a meeting or assembly open to the general public or to a section thereof, or refusing to allow another access to a meeting or assembly by providing onerous term or conditions not similar to others to which they would otherwise allow access to a meeting or assembly.
- 4) Requiring another person to leave or to stop the use of any public place, vehicle or any such facilities;
- 5) Subjecting a person to a denial of access to public places, facilities or public meetings; or
- 6) Failing to make reasonable efforts to make facilities accessible to people whose disabilities reduce their range of mobility.

- g. **Discrimination by Wrongful Portrayal.** – A person acting as principal or agent shall be held liable for portraying, imitating, depicting or describing in learning institutions, instructional materials, teaching devices, books and reference materials especially in Civics and History, certain individuals and/or group/s as inferior religiously or racially or ethnically.
- h. **Discrimination through Speech, Utterances, Acts of Hatred and Similar Acts.** – Any person shall be held liable for delivering speeches or making utterances, performing acts of hatred or violence against another person, or mocking or ridiculing another person on account of one's ethnicity, race, or religious affiliation or belief.
- i. **Discrimination through Analogous Acts that Result in Impairment of the Enjoyment of Human Rights and Fundamental Freedoms.** – A person acting as principal or agent shall be liable for analogous act which have the effect or exercise of the person's human rights and fundamental freedoms in the political, economic, social, cultural, civil spheres or any other field of public life, and where such rights and freedoms are guaranteed and consistent with relevant international human rights instruments to which the Philippines is a State Party thereof, and where such analogous acts are committed on the basis of race, color, descent, national or ethnic origin, religion, or religious affiliation or beliefs.
- j. **Discrimination by Engaging in Profiling.** – A person acting as principal or agent, including any member of the military or law enforcement agencies, shall be held liable for subjecting a person or a group or groups of persons to investigatory activities, such as unnecessary, unjustified, illegal and degrading searches and similar acts, which are unlawful, immoral or socially unacceptable.
- k. **Discrimination through Abuses of State and Non-State Actors.** – A government official or employee of any government agency or corporation, local government unit, police, military or any law enforcement agency, including non-state actors, shall be liable if that official or employee commits acts of harassment verbally or physically, to curtail freedom of movement of any persons, or to extort a favor from the latter, whether financial or not. These shall include legitimate orders issued by persons in authority or courts of justice.

SEC. 6. Person/s Liable. – Any person who performs any of the discriminatory acts enumerated in the preceding section shall be liable under this Ordinance. If said discriminatory acts are performed by a judicial person, the President, Manager, Director, and/or responsible officers shall be the ones liable.

Any person who requests, instructs, induces, encourages, authorizes or assists another to commit acts of discriminations shall also be liable under this Ordinance. Any person who is duly bound to act on complaints or discrimination under this Ordinance. Any person who is duty-bound to act on complaints or 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 for discrimination.

SEC. 7. Creation of a Non-discrimination and Equal Opportunity Committee. – In order to ensure compliance with this Ordinance, all agencies, corporations, companies, organizations, and educational and/or training institutions, whether private or public, as well as any person providing employment, housing, education and the delivery of basic goods and services shall create a Non-Discrimination and Equal Opportunity Committee, hereinafter referred to as the Non-Discrimination Committee, which shall exercise administrative jurisdiction to investigate acts and practices of discrimination under this Ordinance.

The Non-Discrimination Committee shall conduct the initial investigation of cases constituting discrimination on the basis of race, ethnic background, religion, religious affiliation or beliefs. The result and findings of such investigation shall be referred to the appropriate government agencies for resolutions, settlement or prosecution.

Any administrative sanction on the perpetrator of discrimination shall not be a bar to any prosecution in the proper courts on any act of discrimination committed on the basis of race, ethnic background, religion, religious affiliation, religious beliefs, or to any civil claim for damages suffered by the victim of discrimination.

The failure of any juridical entity, whether public or private, to ensure effective implementation of this provision shall be deemed refusal to address discrimination and shall be considered as an act of discrimination, subject to the penalty provided for in Section 10 hereof.

SEC. 8. Responsibility to promote a Non-Discrimination and Equal Opportunity Environment. – It shall be the duty of every person, natural or juridical, public or private, to ensure non-discrimination and equal opportunity to all persons when relating to actual or prospective employees, students, tenants, costumers, or clients and that no discriminatory acts, as defined herein, are committed by them or their agents.

All City government officers and workers are likewise obliged to promote and observe equality and non-discrimination in the discharge of their duties and responsibilities.

SEC. 9. Penalty Clause. – Any person found liable for violating any provision of this Ordinance shall be penalized with a fine not exceeding Five Thousand Pesos (PhP. 5,000.00) or an imprisonment for a period not exceeding one (1) year, or both in the discretion of the court.

SEC. 10. Implementing Rules and Regulations (IRR). – Upon effectivity of this Ordinance, a Drafting Committee composed of representatives from the Manila Department of Social Welfare, City Legal Office, City Planning and Development Office, Division of City Schools, and the Manila Barangay Bureau shall be convened to formulate the Implementing Rules and Regulations of this Ordinance.

SEC. 11. Repealing Clause. – All ordinances, resolutions, executive orders, rules and regulations, and other issuances or parts thereof found to be inconsistent with the provisions of this Ordinance are hereby repealed, modified or amended accordingly.

SEC. 12. Separability Clause. – If any portion of this Ordinance is declared as unconstitutional or invalid, the remaining portions not affected thereby shall continue to have force and effect.

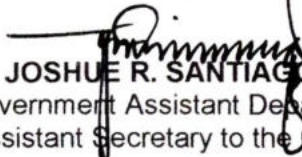
SEC. 13. Effectivity Clause. – This Ordinance shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

This Ordinance was finally enacted by the City Council of Manila on March 11, 2021.


PRESIDED BY:


ERNESTO C. ISIP, JR.
President Pro-Tempore and
Acting Presiding Officer
City Council, Manila

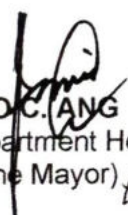
ATTESTED:


JOSHUE R. SANTIAGO, MPMG
City Government Assistant Department Head III
(Assistant Secretary to the City Council)

APPROVED BY HIS HONOR, THE MAYOR, ON JUN 10 2021


FRANCISCO "Isko Moreno" DOMAGOSA
Mayor
City of Manila

ATTESTED:


BERNARDITO C. ANG
City Government Department Head III
(Secretary to the Mayor)

RNF: rrb/acl/jok/cpf/jmt/jrp