

# The Anti- Discrimination Ordinance of Davao City: A Systematic Literature Review

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## Abstract

This paper examines the anti-discrimination ordinance of Davao City enacted in 2012 and its effectiveness in line with the essential objective of the said ordinance to protect the marginalized groups in the city from, but not limited to, discrimination in any form such as discrimination based on gender, race, sexual orientation, color, ethnicity, and descent. Reviewing the government reports, literature, and academic research that are linked to this ordinance sheds light on the challenges, impacts, and gaps in its implementation process, especially in relation to the LGBTQIA++ community. To this end, challenges in gender-based discrimination are still persisting constraints. Ultimately, this study, through the systematic review of literature, contributes to the knowledge concerning local anti-discrimination policies and provides concrete recommendations to strengthen and enhance the effectiveness of similar existing ordinances.

*Keywords: Davao City; Philippines; gender; sexual orientation; anti-discrimination ordinance; policy review; marginalized groups*

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## 1. Introduction

Issues on gender-based discrimination – especially toward lesbian, gay, bisexual, transgender, intersex, queer, asexual, and persons who do not identify themselves as cis-gender (LGBTQIA++) – remain to be withstanding concerns of the global community. Discrimination refers to the act of treating other people differently in a negative way (Thomsen, 2017). The said gender-based discrimination hinders people to perform well in their respective fields. As a matter of fact, there already exists workplace gender-based discrimination against LGBTQIA++ workers which runs contrary to existing laws, policies, and ordinances that aim to uphold the rights of the LGBTQIA++.

For instance, one of the acts of gender-based discrimination is heterosexism. (Jun, 2024) posits that heterosexism is a system which prioritizes heterosexual individuals and their heteronormative conduct above non-binary people and actions. This is also considered as one of the forms of mistreating individuals based on their sexual orientation and gender identity and expression (SOGIE) which, then, manifests in disadvantageous and anti-LGBTQIA++ policy-making, conversations, and decision-making processes.

It bears reiterating that gender-based discrimination, especially against the LGBTQIA++ workers, does not only occur in the United States but also frequently happens all over the world. In the United States, 25% of LGBTQIA++ workers encounter hate crimes and many of them experience various mental health problems afterwards (Coleman, 2019). Meanwhile, in the Philippines, 33% of the LGBTQIA++ employees suffered harassment initiated by their workmates, 26% reported being harassed by their superiors, and 61% have been

made a subject of homophobic and offensive insults and jokes (Enriquez, 2017). Generally, these issues are observed to be more prevalent in the business world (Özaltuğ & Yalçın, 2023). (Villarino, et. al., 2024) argues that in the country, which is predominantly Catholic or Christian, transgenders and queers' job satisfaction are affected due to workplace bullying, harassment, and worse, promotion discrimination. As a result, the productivity and efficiency levels of LGBTQIA++ workers end up being affected as well.

Ultimately, even though the Philippines has been hailed as one of the most "LGBTQIA++ friendly" countries in Asia, the prevalence of gender-based discrimination against the LGBTQIA++ in the country pushed local government units (LGUs) to formulate and pass ordinances which safeguard and advance the rights of LGBTQIA++ workers. In particular, the City Government of Davao enacted Ordinance No. 0417-02, Series of 2012, otherwise known as the Anti-Discrimination Ordinance of Davao City. This ordinance is founded on Article 2, Sections 10, 11, and 22; Article 3, Sections 1 and 3; and Article 13, Sections 3 of the 1987 Philippine Constitution.

Therefore, given these, the study aims to examine relevant and related literature which discuss the situation and/or condition of LGBTQIA++ workers in the country. In connection therewith, this study seeks to know the indicators of gender-based discrimination experienced by LGBTQIA++ workers in their places of work. This study also looks at the literature gaps, detailing what needs to be worked on in the interest of future research studies and in combatting the gender-based discrimination against LGBTQIA++ workers and the entire community. Finally, by answering the above-mentioned matters, the study hopes to lay down the strengths, weaknesses, opportunities, and threats of the Anti-Discrimination Ordinance of Davao City.

### 1.1 Objectives

The study seeks to synthesize existing literature regarding the LGBTQIA++ workers in the Philippines and, subsequently, scrutinize the Anti-Discrimination Ordinance of Davao City. By utilizing the systematic review of literature, this research study will contribute to the growth and expansion of the current body of knowledge on local anti-discrimination laws and offer insights into potential improvements for better policy outcomes. In order to attain such objectives, this systematic review comes up with the following research questions:

- RQ1. What are the prevailing studies about LGBTQIA++ workers in the Philippines?
- RQ2. What are the indicators of discrimination against LGBTQIA++ workers in the Philippines?
- RQ3. What are the gaps in the literature about discrimination of LGBTQIA++ workers in the Philippines?

### 1.2 Theoretical Framework of the Study

To discuss the workplace gender-based discrimination experienced by LGBTQIA++ workers in the Philippines, this study relies on the following theories:

#### *a. Queer Theory*

Queer theory is a critical observation which examines gender and sexuality to further understand the existing gender-relations and their respective aspects influencing other disciplines. (Acadia, 2021) espoused this theory, expressing that it is a network of criticism which emerges from the activism legacy and looking forward to the future.

Moreover, this theory is relevant to the study since it helps the researcher to analyze the existing gender -

based discrimination in the workplace. Additionally, this will strengthen the mechanism on how to come up with much more inclusive and diverse laws, policies, and ordinances in the country without conforming to the conservative and traditional ways of dealing with the LGBTQIA+ especially in the workplace.

#### *b. Social Constructivism*

Social constructivism is a theory that socially rationalizes human beings' experiences and how it functions (Amineh & Asl, 2015). It also talks about social and cultural interaction of individuals and how these interactions impact their environment. In connection with the study, this is the basis in understanding the LGBTQIA++ workers' experiences through their socio-cultural interactions as well as how it shapes their identities and dynamics in the workplace.

Relatively, this concept reinforces the policies, laws, and ordinances in connection to LGBTQIA++ workers by navigating the factors which affect their workplace dynamics. Hence, this is the scaffold of the administrators of different institutions to strategically advocate for inclusivity and diversity to lessen the number of gender-based discrimination in the workplace and increase LGBTQIA++ workers' willingness to participate in the labor force.

#### *c. Relational-Cultural Theory*

Relational-Cultural Theory argues that social connection is one of the basic needs of human beings in their entire life and is considered a vital part of human development (Dipre & Luke, 2020). Subsequently, growth will take place through societal relationships which are built on social group equality (Davis & Aronoff, 2021). Thus, this theory also supports the study by fostering the societal relationship and growth among LGBTQIA++ workers which can then be used in educating and counseling the former in the workplace to attend to their early on-set dilemma related to gender-based discrimination and its complications.

## **2. Methods**

The study employs the systematic review of literature, SRL for brevity, wherein data, information, or findings from existing related research studies are systematically and critically collected, evaluated, integrated, and presented to answer the research questions of the study topic (Pati & Lorusso, 2018). As such, the study collected or gathered data from government reports and other reliable sources which are related and relevant to the topic of the study. Subsequently, the researcher synthesizes and analyzes the said data in order to see the common themes, key findings, and research gaps.

In particular, the study makes use of the following the steps: (a) protocol (describe the study scope), (b) search (defining the search string and types of databases), (c) appraisal (pre-defined literature inclusion and exclusion, and quality assessment criteria), (d) synthesis (extraction and categorization of the data), (e) analysis (narrate the result and finally reach into conclusion), and (f) report (describe and present the methods and the results from the literature that were selected) (Mengist, at. al., 2020). This is the PSALSAR framework or method which has been modified from the SALSA (search, appraisal, synthesis, and analysis) framework. The PSALSAR framework focuses on assessing both quantitative and qualitative content from the chosen literature.

	Steps	Outcomes	Methods
<b>PSALSAR Framework</b>	<b>Protocol</b>	Define study cope	Only the mountain ecosystem and its various ecosystem services
	<b>Search</b>	Define the search strategy	Searching strings
		Search studies	Search databases
	<b>Appraisal</b>	Selecting studies	Defining inclusion and exclusion criteria
		Quality assessment of studies	Quality criteria
	<b>Synthesis</b>	Extract data	Extraction template
		Categorize the data	Categorize the data on the iterative definition and ready it for further analysis work
	<b>Analysis</b>	Data analysis	Quantitative categories, description, and narrative analysis of the organized data
		Results and discussion	Based on the analysis, show the trends, identify gap, and result comparison
	<b>Report</b>	Conclusion	Deriving conclusion and recommendation
		Report writing	PRISMA methodology
		Journal article production	Summarizing the report result for the larger public

Fig. 1. Study Selection Flow using the PSALSAR Framework of (Mengist, et. al., 2020).

### 2.1. Protocol: Study Scope

The first step involves defining the scope of the study in order to identify the appropriate or correct domain and approach in searching for and in screening related and relevant research studies. In connection therewith, this study focuses on examining existing literature which are relevant and related to the topic, the LGBTQIA++ workers within the Philippine context, the indicators of gender-based discrimination against said LGBTQIA++ workers in the country, and the gaps in the aforementioned existing literature to arrive at a meaningful evaluation and analysis of the Anti-Discrimination Ordinance of Davao City.

### 2.2. Search: Defining the Search Strategy, Searching Studies and Selection of Studies

The second step constitutes the identification of related and relevant research studies. This study's literature search is based on Google Scholar. The references are cited following the prescribed American Psychological Association (APA) citation format. To secure the integrity and reliability of the data or information, only pertinent keywords are typed in the search engine. This ensures that the search engine would exclusively showcase related, relevant, and available publications, article journals, and books as well as their respective dates. As for the dates, the study only looks at references from 2016 up until 2024 to guarantee that the data being utilized in the study are recent and up-to-date.

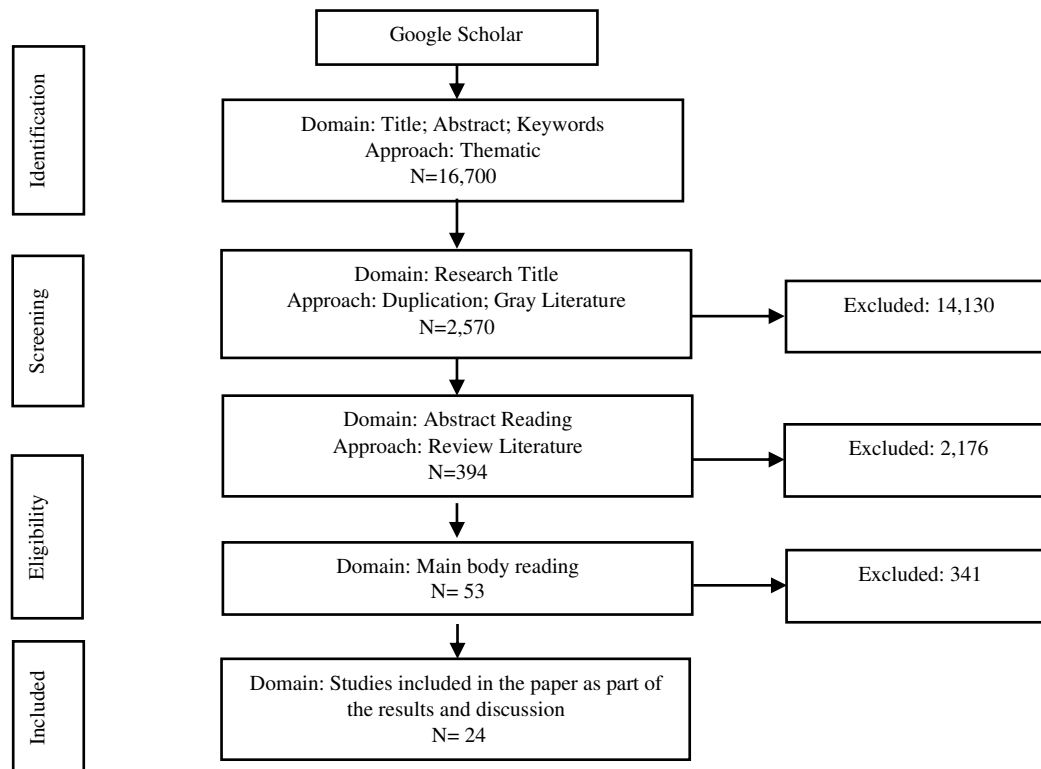


Fig. 2. Database Flowchart in searching publications, article journals, and books for Systematic Review of Literature of (Mengist, et. al., 2020).

The researcher started by putting in the search engine the following keywords: *anti-discrimination ordinance*, *LGBTQIA++*, and *Philippines*. The main concepts of the constructed databases relate to the anti-discrimination ordinance for LGBTQIA++ workers in the Philippines. The primary search yielded 16,700 studies.

### 2.3. Appraisal: Pre-defined literature

In the appraisal portion, the main focus of the SLR is to satisfy the objectives of the paper. Reviewing the literature which addresses the research questions respectively is the first step in this phase. Also, the quality and the inclusion criteria of the literature are built. To ensure the quality assessment of the SLR, this paper employs the method of selecting SLR literature criteria (Mengist, et. al., 2020).

The inclusion criteria have been employed to filter and to further investigate the related and relevant literature. The inclusion criteria are as follow:

- (a) the pre-identified title, abstract, and keywords have been seen as a whole or at least in literatures stated in the aforementioned phase;
- (b) the related literature includes patently cited books and peer reviewed article journals in which the

keywords were *anti-discrimination ordinance, LGBT, Davao City, Philippines*. At this point, the results show that there are 2,570 related and relevant literature left;

- (c) the paper should be written in the English language;
- (d) studies that present pieces of evidence regarding anti-discrimination ordinances of LGBTQIA++ in Philippines;
- (e) when the books and articles address at least one research question;
- (f) the duplicated papers and gray literature have been excluded;
- (g) literatures are inaccessible; and
- (i) papers that got published before 2016.

After carefully considering and scrutinizing the related and relevant literature in accordance with the inclusion criteria, there were only 394 remaining literatures.

Criteria	Decision
When the pre-identified title, abstract, and keywords have been seen as a whole or at least in literatures	Inclusion
The paper published in a peer-reviewed journal	Inclusion
The paper should be written in the English language	Inclusion
Studies that present pieces of evidence on anti-discrimination ordinances of LGBTQIA++ in Philippines	Inclusion
When the books and articles address at least one research question	Inclusion
Papers that are duplicated within the search documents	Exclusion
Papers that are not accessible, review papers and meta-data	Exclusion
Papers that got published before 2016	Exclusion

Figure 3. Selection of SLR literature criteria (Mengist, et. al., 2020).

#### 2.4. Synthesis: Extraction and categorization of the data

The synthesis involves the extraction of all relevant information from the selected literature to come up with the necessary knowledge and conclusion for this study. The information's criteria to wit — year of publication, search engine, types of data source, method, mode of assessment, and analysis scheme — are conducted to satisfy the SLR objectives.

Criteria	Categories Considered	Description
Year of Publication	From 2016 to 2024	The studies before 2016 are ruled out.
Search Engine	Google Scholar	To inquire review of related literature of gender-based discrimination.
Types of data source	Secondary Data	Information that is taken from existing literature.
Method	Qualitative research method	To assess the effectiveness of the Anti-Discrimination Ordinance of LGBTQIA++ workers in Davao City.
Mode of Assessment	PSALSAR and PRISMA Framework	It is being utilized in extracting the relevant literature of the Anti-Discrimination Ordinance in Davao City.
Analysis Scheme	Thematic Analysis	Pinpoints the trends and patterns in the collected literature.

Figure 4. Criteria in extracting the relevant information from the literature.

### 2.5. Analysis: Narrate the result and finally reach into conclusion

The study employs thematic analysis to pinpoint common themes, codes, or trends. Thematic analysis is a type of analysis method wherein similar ideas with the same themes are grouped together which, in turn, allows the researcher to filter and deduce the complexity of the participants' various perspectives (Gayapersad, et al., 2024). To add, the study also conducts a thorough coding of the texts. Basically, the study identifies the codes through the prior textual coding conducted. Then, the same codes are classified together. Finally, the themes are conceptualized from these codes. The themes of the study are being used in understanding the related and relevant literature and how these literatures become tools in attaining the objectives of this SLR.

### 2.6. Report: Describe and present the methods and the results from the literature that were selected

The portion of this study concerned with the report is to be discussed in the succeeding part, particularly under the results and discussion section of this paper. Included therein are the answers to the research questions and the presentation of pertinent information, knowledge, or results regarding the existing gender-based discrimination in the Philippines and in Davao City against the LGBTQIA++ as well as the Anti-Discrimination Ordinance in Davao City and its loopholes, implementation and enforcement challenges, and other relevant and related literature.

## 3. Results

### 3.1. RQ1. What are the prevailing studies about LGBTQIA++ workers in the Philippines?

As of this writing, there are only minimal research studies which revolve around the Anti-Discrimination Ordinance of Davao City and there are even lesser studies, if not none, on its effectiveness in decreasing the incidences of gender-based discrimination against LGBTQIA++ workers. Due to these, the LGBTQIA++ community has expressed on several occasions that they are of the impression that the said anti-discrimination

ordinance is not yet really a priority. This is reflected in Davao City's Sustainable Development Goals (SDG) Initiative set during one of the city's plenary sessions wherein the LGBTQIA++ community may have been included but not focused on.

(Fabillar & Fellizar, 2019) scrutinized the "social acceptability" of the LGBTQIA++ community in San Fernando City, Pampanga among local legislators wherein the study has revealed that 55.55% of the local legislators in San Fernando City accept the LGBTQIA++ community but remain neutral on matters about same-sex marriage and adoption, LGBTQIA++ church leaders, among others. Meanwhile, (Manalastas, 2017) summarized that based on the data from the Philippines Statistics Authority as of October 2015, there are 2 out of 81 provinces and 11 out of 1,637 cities and municipalities that have passed anti-discrimination ordinances. Related and relevant literature point to homotolerance. Homotolerance refers to instances wherein the heterosexual majority merely "tolerates", rather than fully accept, the LGBTQIA++ (Geurts, et. al., 2024).

Subsequently, the scarcity in related and relevant research studies as well as the existence of homotolerance make it difficult for the study to draw generalizations and/or conclusions. Consequently, it cannot be said whether the acceptance of the LGBTQIA++ workers is the result of the Anti-Discrimination Ordinance of Davao City or other factors such as homotolerance. However, (Laya, et. al., 2016) noted that many LGBTQIA++ members in Davao City demonstrated their potential in their workplace which opens greater career opportunities to LGBTQIA++ than what they expected.

Research studies on the implementation of the Anti-Discrimination Ordinance of Davao City are limited. However, there are several studies which tackle the implementation of similar ordinances in other cities in the Philippines.

(Arizabal, et. al., 2023) studied the anti-discrimination ordinances in the LGUs of Manila, Marikina, and Mandaluyong. Manila's anti-discrimination ordinance, Ordinance No. 8695, commonly known as the Manila LGBTQI Protection Ordinance of 2020, imposes a penalty on SOGIE-based physical and/or verbal harassment and prohibits the organization of groups or the conduct of actions which deny or limit employees' access to opportunities by reason of their SOGIE. Meanwhile, Marikina's and Mandaluyong's anti-discrimination ordinances, namely, City Ordinance No. 065 and Ordinance 698, Series of 2018, respectively, revolve around upholding equal opportunities for all regardless of one's SOGIE.

(Pelongco, 2023) explored the benefits given to LGBTQIA++ workers in the Philippines. The study mentioned several companies that provide employment benefits to LGBTQIA++ workers despite the lack of a legislative enactment to this effect. For one, Thomson Reuters Corporation, a Canadian multinational news and information tools provider, implemented within its company the Under the Domestic Partners Eligibility Policy which provides benefits to their employees' same-sex partners. Information technology (IT) company Accenture also provides "gender-neutral" benefits for their LGBTQIA++ employees. These are just some of the companies mentioned in the study. Nonetheless, despite these, the study also emphasized that most companies with these types of policies are foreign companies. The study then connected such findings to the pervasive effect of religion on the treatment of LGBTQIA++ in the Philippines, stating that the major challenge in the implementation of anti-discrimination efforts in the country is religion. Based on existing literature, the study draws a conclusion that the views of religious groups have affected public policy and legislation in terms of enacting a law and/or enforcing an ordinance geared toward the protection of LGBTQIA++ rights.

(Ruivivar & Sisante, 2018) examined the anti-discrimination ordinance of General Trias City situated in the province of Cavite, Philippines, the City Ordinance No. 16-06 or the Anti-Lesbian, Gay, Bisexual,



Transexual, and Queer Discrimination Ordinance. General Trias City's anti-discrimination ordinance is a measure which hopes to put an end to all forms of discrimination and violence, particularly against the LGBTQIA++, such as the act of hiring, promoting, and/or dismissing employees as well as giving benefits and other incentives based on their SOGIE to the exclusion of others who are equally capable in their job or work. The study recognized the strengths of General Trias City's ordinance as well as the ordinances of other cities including Davao City's Anti-Discrimination Ordinance which provides for the creation of the Anti-Discrimination Mediation and Conciliation Board. However, the lack of a national anti-discrimination law, which has also been identified by other research studies, the unclear or broad jurisdiction and language of programs, the prejudiced perception of socio-civic groups and the general public towards the LGBTQIA++, and the divided opinions or ideas of the Congress are shown as the weaknesses and threats or as the major challenges in the implementation of such anti-discrimination ordinances. To reiterate, related and relevant research studies on the Anti-Discrimination Ordinance of Davao City itself is limited. Hence, the study gathered data or information from research studies which scrutinized similar ordinances or policies in the Philippines.

(Noel, 2023) inquired into the perceptions of science teachers from different schools in Dasmariñas City, Cavite about various gender-based prejudices (e.g., workplace support). Surprisingly, while cisgender science teachers find no problems at all, LGBTQIA++ science teachers also felt that they are safe to express themselves in the workplace due to the existence of anti-discrimination ordinances, policies, or actions. However, admittedly, they also know that some efforts do not really entail full acceptance but just mere tolerance with regards to the visibility of LGBTQIA++ activities such as, but not limited to, the following: (a) the existence of same-sex relationships inside school premises, (b) the use of chosen pronouns, (c) the installation of gender-equal comfort rooms, and (d) the wearing of school uniforms especially for individuals who identify themselves as transgender. Although the study noted that these are general perceptions in consideration of the fact that the study does not have participants who identify as transgender and the possibility that participants are experiencing internalized homophobia.

(Amante, 2021) gathered and summarized the explanation behind the anti-discrimination ordinance of Cagayan de Oro City, the Diversity and Equality Ordinance, and the discrimination faced by various groups including the LGBTQIA++ community. The study revealed that, in general, the aforementioned ordinance is beneficial in prohibiting discriminatory acts. However, there is still much to be desired to effectively implement the said ordinance and address the hindrances brought by having an inadequate understanding, or the lack thereof, regarding the diversity of gender, society, and culture.

(Miranda, 2021) discussed the 2014 Quezon City Gender-Fair Ordinance (QCGFO) and the 2017 Anti-Discrimination Ordinance of the City of Baguio (ADO CB) which criminalizes and imposes penalties or sanctions for acts of discrimination based on one's SOGIE. QCGFO leans more on granting specific protection to the LGBTQIA++ residents of Quezon City, while ADO CB seeks the protection of multi-sectoral, vulnerable groups including the LGBTQIA++. Summarily, the study introduces the possibility of making anti-discrimination ordinances intersectional, cutting across all discriminated groups.

### 3.2. RQ2. *What are the indicators of discrimination against LGBTQIA++ workers in the Philippines?*

In the Philippines where homosexuality is considered by the majority as a "sin" due to religious constraints, there are indicators of gender-based discrimination against the LGBTQIA++ workers that are being observed. These indicators are directly related to the growing problem of the members of the LGBTQIA++ community, the LGBTQIA++ workers in particular, wherein they find it difficult to freely express themselves, to form fruitful relationships without prejudice, and to access opportunities for career and

employment growth and advancement in any field. Enumerated below are the common indicators that existing relevant and related literature provide.

According to (Mallory, et.al., 2021), LGBTQIA++ applicants experience prejudice and hostility which often leads to halting their career advancement and suffering from further discrimination if they disclose their sexual orientation. Subsequently, (Barrera, et. al., 2024) reveals that despite the increase in their visibility and acceptability in many nations, LGBTQIA++ workers are still confronted with various challenges such as harassment and/or cyberbullying. In actuality, the (UNDP, 2018) reported that thirty percent (30%) of LGBTQIA++ population in the Philippines faces bullying, harassment, and discrimination caused by their respective workmates due to their sexual orientation and preferences.

Another indicator is the social norms and stereotypes towards the LGBTQIA++. In line with this, (Timonera, 2023) said that LGBTQIA++ government personnel have been empowered in some way. However, their societal experiences remain to be shaped by their sexual orientation and gender identity. Moreover, the policies related to gender-based discrimination are perceived as “not a priority” of the government. In fact, the inclusion of the LGBTQIA++ workers’ partners as beneficiaries are not recognized, not included, and, clearly, not protected.

Hence, surely, the gender-based discrimination in the Philippines continues to pervade the everyday lives of LGBTQIA++. Ultimately, it is not yet eradicated despite several efforts to do so. This fact affects the cities, municipalities, and provinces in their constant implementation of policies, laws, and ordinances that supports and protects LGBTQIA++ workers in their workplace. Nonetheless, there are small victories along the way like company policies and/or pronouncements which are in favor of the LGBTQIA++ workers. For one, the responsiveness of IT Logistics Company towards LGBTQIA++ opportunities are commendable. (Mangumpit, et. al., 2019).

### 3.3. RQ3. *What are the gaps in the literature about discrimination of LGBTQIA++ workers in the Philippines?*

(De Guzman, et. al., 2024) scrutinized the prevalent challenges which the LGBTQIA++ employees confront in their respective places of work, namely, workplace stereotypes and gender-based underestimations, not being recognized, lack or denial of opportunities, and derogatory remarks. These resulted in discomfort, demotivation, and loss of job satisfaction and self-confidence. To mitigate the aforementioned negative impacts, the participants pinpointed ways or methods to overcome them and, subsequently, develop and grow in their respective careers. Among the ways or methods identified, there is one that relates to the study at hand: the implementation of workplace policies. This is in connection with one of the common objectives and/or goals of anti-discrimination ordinances which is to prohibit companies, establishments, or institutions from discriminating against LGBTQIA++ workers and/or job applicants on the basis of their SOGIE.

In addition, the study also observed that the Anti-Discrimination Ordinance of Davao City lacks implementing rules and regulations (IRR). The study of (Dolom, et. al., 2018) has revealed the urgency of formulating IRR for effective and efficient policy implementation especially within the context of development and sustainable management. Albeit the study focusing on the lack of IRR of Executive Order (E.O.) No. 318, Series of 2004, otherwise known as an act “Promoting Sustainable Forest Management in the Philippines”, the fact still stands that the study highlighted the need for policies to have their respective IRR. Undeniably, the IRR outlines the powers and functions of a certain office or agency and the corresponding limitations of such powers and functions, provides for specific conduct that must be observed in order to

safeguard the rights of natural persons and juridical entities, imposes sanctions and/or penalties in cases of violation, and other analogous circumstances.

Relating these to the Anti-Discrimination Ordinance of Davao City, it must be brought to light that the ordinance was first enacted in 2012 and as clearly expressed in Section XI of the said ordinance that:

*“Within sixty (60) days from the approval of this Ordinance, the City Legal Office, this City, shall promulgate the Implementing Rules and Regulations which shall govern the Mediation and Conciliation Proceedings from filing of the complaint up to the issuance of the certificate mentioned in the immediately preceding section...”*

However, contrary to the previously stated section, there is still no IRR. In fact, the aforesaid anti-discrimination ordinance already underwent first amendment last 2018 but no IRR exists as of this writing. This limits the implementation of the ordinance, particularly with regards to the processes, official duties, and composition of the Anti-Discrimination Mediation and Conciliation Board. This mediation and conciliation board is truly essential because this serves as a mechanism for aggrieved parties to seek redress for grievances and as a deterrent to prevent wrongful conduct.

#### 4. Discussions

Essentially, the study focuses on the systematic review (a) to contribute to the growth and expansion of the current body of knowledge on local anti-discrimination laws and (b) to offer insights into potential improvements for better policy outcomes. The researcher examines and systematically lays down the context of the Anti-Discrimination Ordinance of Davao City.

##### 4.1. Gender-based Discrimination in the Philippines

Gender-based discrimination in the Philippines is a controversial and a prevailing issue. Indeed, the Philippines is still struggling with gender-based discrimination not only against women but also against members of the LGBTQIA++ community, including LGBTQIA++ workers in various fields. They usually experience gender-based workplace discrimination in different kinds or forms and on various levels, which in turn, causes them to feel insignificant and most of the time leads them to disassociate from the environment where they are living.

Considering the fact that the Philippines is a religious country and to make it worse, a patriarchal one, the LGBTQIA++ are having a disastrous time dealing with gender-based discrimination. This is a testament that culture has an active and important role to play in guaranteeing that members of the LGBTQIA++ community are fully and effectively integrated into society and accepted by others. Case in point is the advent of the gay language which started in the 70's. It became an avenue for the LGBTQIA++ community to build and solidify their identities and it also acts as a sort of code to hide their conversations from others who would potentially discriminate against them (Cabelita & Gacrama, 2020).

In Davao City, much like in other cities, gender-based discrimination remains rampant. This is attributed to the fact that binary gender dynamics in society are constantly mainstreamed not only in the international arena but also in the Philippines and its political subdivisions (e.g., cities, municipalities, among others). Anyhow, there are numerous efforts to actively change this. In point of fact, these efforts are closely linked with the sustainable development goals (SGD), emphasizing the essence of a holistic approach in development. An example of this is the European Treaty which expressly stated that the right to equality and protection against

discrimination is a universal right of all persons (OJ, 2006). In relation to the same principle, the aforementioned right is also applicable to the LGBTQIA++ workers. Apparently, (Badgett, et. al., 2019) emphasizes that the act of prohibiting or preventing LGBTQIA++ from fully participating in Philippine society due to their identity is a violation of their human rights. As such, Davao City adheres to the importance of gender equality and fairness as well as reducing inequality through enacting ordinances that are pro-LGBTQIA++ community. As a result, Davao City has become one of the pioneer cities in the Philippines who supported the above-mentioned advocacy.

#### *4.2. Challenges of Gender-based Discrimination in the Philippines*

A 2023 study reveals that one of the major challenges in implementing anti-discrimination ordinances is the lack of a national anti-discrimination law which has led to disparities in the directives and approaches of each LGU. Other major challenges are: (a) the apparent lack of SOGIE education and (b) the inconsistency and unsustainability of programs and/or activities. LGUs admitted that massive education campaigns, including gender equality and sensitivity training, are yet to be held although there are some LGUs that were able to conduct information dissemination efforts.

Nevertheless, what also lies beyond the challenges is the existence of efforts on the side of the government to address such gender-based discrimination through policies, laws, and ordinances. These enactments — policies, laws, and ordinances — mainly protects various sectors, including the LGBTQIA++ community, from discrimination and, subsequently, mobilizes the Gender and Development Program of various governmental institutions to resolve incidences of gender-based discrimination. However, the focus of these are mostly women and children. To clarify, it is a very good thing to protect and advance the rights of women and children but the LGBTQIA++ community must also be included because they are also considered as part of the vulnerable sectors. The lack of attention to the plight of the LGBTQIA++ community is evidenced by the scarcity of literature that is related to LGBTQIA++ and the ongoing gender-based discrimination or discriminatory violence against the LGBTQIA++, both documented and undocumented (Abesamis & Alibudbud, 2024).

#### *4.3. Limitations of the Study*

The gender-based discrimination experienced by LGBTQIA++ workers in light of the anti-discrimination ordinances passed by various LGUs needs to be studied more because the scarcity of literature halts effective evidence-based implementation of policies, laws, and/or ordinances. Not to mention that it is widely happening not just in other countries but also here in the Philippines where conservative, religious views pervade the society (Sears et al., 2021). Indeed, the LGBTQIA++ community welcomes these efforts to address gender-based discrimination, however they are also of the view that this matter is not a government priority especially with the apparent lack of IRR, unsustainable programs, and the absence of a national anti-discrimination law. In line with these, this study has been limited in the following areas:

- (a) the study employs the SLR, thus the study is limited to examining and assessing related and relevant literature, however there are only minimal existing studies regarding the topic; and
- (b) the scarcity of time and resources may have affected the analysis of the related and relevant literature.

### **5. Conclusion**

It can be gleaned from literature and written history that gender-based discrimination in the Philippines,

just like in other countries, started to exist, or has worsened, since the arrival of the Spaniards who brought with them their conservative, religious views. The hundreds of years of colonization have become woven into the fabric of our identities as a nation, thus gender-based discrimination grew out of that aspect of our culture. Indeed, historians and experts view such periods in Philippine history as the root cause/s of the emergence of gender-based discrimination in the country. Now, women who were previously hunters and gatherers, leaders of their groups, are mandated to behave and obey their husbands and men in general lest they want to be punished. Moreover, apparently, this then also became the starting point of gender-based discrimination against the LGBTQIA++ community. Indeed, those who deviate from what society dictates as “normal”, including the LGBTQIA++ community, are subjected to any and all forms of gender-based discrimination.

Due to the said matter, the government puts some effort into eradicating and educating Filipinos about gender equality and reducing inequalities which are linked to SDG 5 and 10. The government created the Gender and Development Programs in support of the above-mentioned global advocacies of various countries in attaining sustainable development. Moreover, the government enacted laws, policies, and ordinances which aimed to decrease or reduce the incidence of gender-based discrimination in the Philippines.

Further, this systematic literature review provides relevant and useful literature and references which are additional basis of information in relation to the topics concerning gender-based discrimination and how anti-discrimination ordinances are being improved. In fact, according to the literature LGBTQIA++ workers show their potential and exceed career expectations in Davao City. However, there is still an existing institutional discrimination in hiring LGBTQIA++ due to companies' heterosexual composition of legal framework and culture. This is the area which the researcher, through this study, provided insights to thereby establishing a new perspective that is vital to mainstreaming anti-discrimination efforts in support of the LGBTQIA++ in the workplace and acting as a guide for policy-makers to enhance and enact gender-fair and gender-equal policies, laws, and/or ordinances in the Philippines.

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