



Republic of the Philippines
Province of Cavite
CITY OF BACOR

Office of the Sangguniang Panlungsod

DISTRICT I

HON. CATHERINE SARINO-EVARISTO
City Councilor

HON. MICHAEL E. SOLIS
City Councilor

HON. ADRIELITO G. GAWARAN
City Councilor

HON. VICTORIO L. GUERRERO, JR.
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HON. SIMPLICIO G. DOMINGUEZ
City Councilor

HON. RAMON N. BAUTISTA
Liga ng mga Barangay President

HON. MACRAVEN ESPIRITU
SK Federation President

Attested by:
ATTY. KHALIDA ATEGA, JR.
Sangguniang Panlungsod Secretary

Certified by:
HON. ROWENA BAUTISTA-MENDIOLA
City Vice Mayor

Approved by:
HON. STRIKE B. REVILLA
City Mayor

CITY ORDINANCE NO. 290-2023 SERIES OF 2023

AN ORDINANCE PROVIDING EMPLOYMENT, EDUCATION, AND LIVELIHOOD OPPORTUNITIES TO FORMER PERSONS DEPRIVED OF LIBERTY (PDL) IN THE CITY OF BACOR, GRANTING BENEFITS TO PARTICIPATING PRIVATE EMPLOYERS, IMPOSING PENALTIES FOR VIOLATIONS THEREOF, AND FOR OTHER PURPOSES.

Sponsored by:
Hon. Adrielito G. Gawaran

Co-Sponsored by:
Hon. Roberto L. Advincula, Hon. Ramon N. Bautista, Hon. Simplicio G. Dominguez, Hon. Mac Raven Espiritu, Hon. Catherine Sarino-Evaristo, Hon. Reynaldo M. Fabian, Hon. Alejandro F. Gutierrez, Hon. Rogelio M. Nolasco, Hon. Alde Joselito F. Pagulayan, Hon. Reynaldo D. Palabrica, Hon. Michael E. Solis and Hon. Levy M. Tela.

BE IT ORDAINED AS IT IS HEREBY ORDAINED by the 5TH Sangguniang Panlungsod of the City of Bacoor, Cavite THAT:

Section 1. Short Title. This Ordinance shall be known as the "Bacoor City PDL Community Reintegration Ordinance".

Section 2. Coverage. This Ordinance shall apply to employment, education, and livelihood opportunities in both the city government and in the private sector within the jurisdiction of the City of Bacoor.

Section 3. Definition of Terms.

(a) Person Deprived of Liberty (PDL)- Refers to any natural person who is currently under detention, confinement, incarceration, or imprisonment in any facility or institution authorized by the state to hold persons under lawful arrest, awaiting trial, or serving sentence. This term includes those detained for criminal offenses



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or for other reasons deemed legally justifiable by the law or by a competent court.

(b) **Former PDL (xPDL)**- Refers to any person who was previously classified as a Person Deprived of Liberty as defined in this Ordinance, and has since been released from detention, confinement, incarceration, or imprisonment. This release could have been by order of a competent court, completion of the sentence, granted parole or probation, or any other legal method that signifies the end of their period of deprivation of liberty.

(c) **Moral Turpitude**- A legal concept that refers to any conduct which is done contrary to justice, modesty, or good morals. The conviction of a crime involving moral turpitude is a ground for dismissal from government service.

(d) **Perpetual Absolute Disqualification**- It is an accessory penalty that is inherent in crimes that are punishable by death, *reclusion perpetua*, and *reclusion temporal*. Under the Revised Penal Code, Perpetual Absolute Disqualification has the effect of disqualifying the PDL or xPDL from holding public office or public employment.

(e) **Social Corporate Responsibility**- A business model that helps a company be socially accountable—to itself, its stakeholders, and the public.

(f) **Non-Discrimination Policy**- A policy that ensures equal treatment in employment without regard to an individual's prior record of arrest, detention, or conviction.

(g) **Non-Monetary Incentives**- Incentives that do not involve direct financial payment but offer other forms of recognition or benefits.

(h) **Monetary Incentives**- Financial rewards or benefits offered to business establishments.



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- (i) **Gross Annual Salary-** The total amount of money that an employee earns in a year before taxes and other deductions.
- (j) **Gross Sales-** The total sales of a company, firm, corporation, or sole proprietor, unadjusted for costs incurred in generating those sales.
- (k) **Alternative Learning System (ALS)-** a parallel learning system in the Philippines that provides a practical option to the existing formal instruction. When one does not have or cannot access formal education in schools, ALS is an alternate or substitute. ALS includes both the non-formal and informal sources of knowledge and skills.
- (l) **Scholarships-** Financial aid provided for students to further their education.

Section 4. Preferential Employment, Contracting in the City Government. There shall be a preferential employment system for the benefit of xPDLs who apply for work at the City Government. The preferential employment system consists of the following:

4.1 In line with the Civil Service Rules and Regulations, the minimum qualification standards shall be applicable to the xPDL.

4.2 The preferential employment system does not apply to xPDL applicants who were convicted of a crime involving moral turpitude. It also does not apply to xPDL applicants whose convictions entail the accessory penalty of **perpetual absolute disqualification** as defined in the Revised Penal Code, except when such disqualification has been explicitly lifted via a pardon.

4.3 For permanent career positions, the preference given to an xPDL does not ensure automatic hiring. Instead, **it provides special consideration in the merit-based hiring system adopted by the City.** Should there be multiple applicants with equal qualifications and no disqualifications as per the approved Qualification



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Standards, an xPDL applicant will be awarded one additional merit point over other applicants.

4.4 For non-career and casual employment positions, xPDL applicants will be given **priority if multiple positions are available**. If there is a single position with multiple applicants, the merit point rule as outlined in Sec. 4.3 shall apply.

4.5 Regarding contractual job orders, the City shall **prioritize the accommodation of all qualified xPDLs for the project, before considering other applicants**. The qualification of the xPDL will be determined by their ability to meet competency requirements, as evaluated by the Human Resources Development and Management Department (HRDMD).

Section 5. Mass-Adoption of Preferential Hiring of xPDLs - All business enterprises operating within the territorial jurisdiction of Bacoor City are hereby mandated to adopt the same preferential employment system outlined in Section 4 of this Ordinance or a policy similar to it as part of their social corporate responsibility and following the concept of social reintegration.

For this purpose, the head of the Public Employment and Services Office (PESO) in coordination within the Business Permit and Licensing Department (BPLD), and the City Information Office, is directed to cause the widest dissemination of this mandate and to ensure compliance by business establishments as employers.

The PESO, in collaboration with the BPLD, will establish a regular reporting mechanism to ascertain compliance with provision by businesses operating within Bacoor City. Non-compliant businesses may face penalties as prescribed by Section 12 of this Ordinance.

Section 6. Non-discrimination in Employment - In order to ensure the equitable provision of employment opportunities to xPDLs, discrimination against xPDLs in employment is hereby prohibited. Discrimination, as it applies to PDLs and xPDLs, refers to any action, policy, procedure, or practice which unfairly treats or disadvantages an individual or group

City Ordinance No. 290-2023(**Bacoor City PDL Community Reintegration Ordinance**) 26 June 2023



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based on their status as a PDL or xPDL. This encompasses, but is not limited to:

- (a) Denial of employment, contracting opportunities, education, or livelihood opportunities solely based on an individual's status as xPDL.
- (b) The use of an individual's status as xPDL as a deciding factor in hiring, promotion, training, or any other employment-related decisions, excluding cases where the conviction entails the accessory penalty of perpetual absolute disqualification, or where the crime involved moral turpitude.
- (c) Subjecting a PDL or xPDL to undue scrutiny or harassment in the workplace or in accessing public services, solely due to their PDL or xPDL status.
- (d) Subjecting a PDL or xPDL to ridicule nor be treated in a manner different from that given to persons who were not deprived of liberty in the workplace or in accessing public services.
- (e) Implementing policies or practices that, although not intended to discriminate, have a disproportionate adverse impact on PDLs or xPDLs, unless such policies or practices are objectively justified by a legitimate aim.

All business enterprises operating within the territorial jurisdiction of Bacoor City are required to adopt a non-discriminatory policy similar to that set out in this section. This adoption forms part of their corporate social responsibility commitments and is a contribution towards societal reintegration of xPDLs.

The head of the Public Employment and Services Office (PESO), in coordination with the Business Permit and Licensing Department (BPLD) and the City Information Office, is mandated to ensure the widest possible dissemination of this non-discrimination policy and to monitor compliance by business establishments.

The PESO, in collaboration with the BPLD, will establish a regular reporting and auditing mechanism to ascertain compliance with non-discrimination policy by businesses operating within Bacoor City. Non-compliant businesses may



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face penalties as prescribed by Section 12 of this Ordinance.

Section 7. Incentives for Hiring xPDLs. Business establishments may receive monetary or non-monetary incentives from the city government for hiring xPDL.

(a) Non-Monetary Incentives-includes the following

- (1) recognition of business by issuance of certificate, plaque, or tokens of appreciation;
- (2) advertisement of business establishment in the website internet based media, printed media, digital boards, or in lamp post banners for a limited time;
- (3) priority lanes for business permit renewal;
- (4) exclusive invites to city government hosted events, programs and activities;
- (5) other forms of non-monetary benefits that will contribute to popularity or economic activity of the business, consistent with prevailing laws, rules, and regulations.

(b) Monetary incentives- the combined gross annual salary of all xPDLs hired by the business establishments shall be a direct deduction to the gross sales being used for the computation of business tax due.

Section 8. Livelihood Opportunities. The xPDL may avail of the livelihood opportunities from the City Government of Bacoor such as the City Livelihood Trainings/ TESDA Community-Based Training and Certification, and TESDA Scholarship Program Courses. The xPDL may also avail of the Sustainable Livelihood Program (SLP) from the Office of the City Social Welfare and Development for seed capital, subject to their assessment requirements.

Section 9. Education Opportunities. The xPDL shall be given priority in the Alternative Learning System (ALS) of the Department of Education (DepEd) Division Office,



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and in the awarding of scholarships provided by the City Government of Bacoor in its scholarship programs.

Section 10. Implementing Rules and Regulations. The Head of PESO, with the assistance of the Business Permits and Licensing Department, City Livelihood Office, Office of the City Social Welfare and Development, DepEd Division Office, and the Office of the City Legal Service, shall formulate the Implementing Rules and Regulations of this Ordinance through an executive order within sixty (60) calendar days from its effectivity.

Section 11. Persons liable. The following persons are liable for violating this Ordinance:

- (1) Any person who fails to adopt the preferential employment system outlined in Section 4 of this Ordinance or a policy similar to said preferential employment system;
- (2) Any employer who fails to adopt a non-discrimination policy for xPDLs as described in section 6 of this Ordinance; and
- (3) Any person who willfully or knowingly discriminates against a xPDL as outlined in Section 5 of this Ordinance.

Section 12. Penalties. The following penalties may be imposed on persons liable for violation of this Ordinance:

(a) Administrative Liability

- (1) A public officer or employee, who by acts or omissions, violates this Ordinance in relation to the provisions of Sections 4 and 6, or grant of preference and other benefits provided hereof, shall be deemed to have violated this Ordinance. The penalty corresponding to light offenses shall be applicable in the determination of guilt based on substantial evidence after due process.
- (2) Business establishments found to have violated this Ordinance after due process, shall be



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sanctioned with **suspension** of Business Permit for a period of fifteen (15) days for the first offense, thirty (30) days for the second offense, and **revocation** of Business Permit for the third offense.

(b) Criminal Liability

- (1) Any person who willfully or knowingly refuses to give the benefits or incentives provided by this Ordinance shall be meted with penalty of fine of Two Thousand Five Hundred Pesos (PhP 2,500.00) or imprisonment of not more than six (6) months, or both at the discretion of the court.
- (2) Any person who willfully or knowingly rejects employment, or cause the termination of employment, of xPDL on the basis of his/her past arrest, detention, or conviction, shall be meted with the penalty of fine of Five Thousand Pesos (PhP 5,000.00) or imprisonment of not more than one (1) year, or both at the discretion of the court.
- (3) If the offender is a juridical person, the criminal liability attaches to the officers who are directly involved or instrumental in the commission of the offense under this Ordinance.
- (4) These provisions are without prejudice to the application of the City Ordinance No. 228-2022 other known as "Uniform Implementation Procedure Ordinance of Bacoor".

Section 13. Repeal Clause. All ordinances, resolutions, and issuances inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.

Section 14. Separability Clause. In case any provision of this Ordinance is declared void or unconstitutional by



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competent court, the other provisions hereof not affected by such declaration shall remain valid and effective.

Section 15. Effectivity Clause. This Ordinance shall become effective fifteen (15) days after it has been published at least once in a newspaper of general circulation in the City of Bacoor, Cavite and posted on at least three (3) conspicuous places within the City of Bacoor, Cavite.

ENACTED by the Sangguniang Panlungsod of Bacoor, Province of Cavite this 26th day of June 2023.

I hereby certify to the truth and correctness of the foregoing Ordinance.

Certified by:

HON. ROWENA BAUTISTA-MENDIOLA
City Vice Mayor / Presiding Officer

Attested by:

ATTY. KHALID A. ATEGA, JR.
Sangguniang Panlungsod Secretary

Approved by:

HON. STRIKE B. REVILLA
City Mayor

Date Approved: 21 JUL 2023