

45<sup>th</sup> Regular SessionORDINANCE No. 893, S-2008

AN ORDINANCE PROHIBITING AGE DISCRIMINATION IN EMPLOYMENT WITHIN THE TERRITORIAL JURISDICTION OF QUEZON CITY PROVIDING FOR STRICT IMPLEMENTATION THEREFORE.

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*Introduced by Councilors JESUS MANUEL C. SUNTAY, BERNADETTE HERRERA-DY, WINSTON "Winnie" T. CASTELO, EDEN "Candy" A. MEDINA, FRANZ S. PUMAREN, WENCEROM BENEDICT C. LAGUMBAY, DIORELLA MARIA G. SOTTO, ANTONIO E. INTON, JR., JANET M. MALAYA, BAYANI V. HIPOL and ALEXIS GRACE R. MATIAS.*

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*WHEREAS, Article XIII, Section 3 of the Constitution provides that the State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all;*

*WHEREAS, Republic Act No. 9257, otherwise known as the Expanded Senior Citizens Act of 2003, provides that senior citizen who have the capacity and desire to work, or be re-employed, shall be provided information and matching services to enable them to be productive members of society. Terms of employment shall conform with the provisions of the Labor Code, as amended, and other laws, rules and regulations;*

*WHEREAS, Section 17, paragraph (a) of R.A. No. 7160, also known as the Local Government Code of 1991, provides that, local government units shall endeavor to be self-reliant and shall continue exercising the powers and discharging the duties and functions currently vested upon them. They shall also discharge the functions and responsibilities of national agencies and offices devolved to them pursuant to this Code. Local government units shall likewise exercise such other powers and discharge such other functions and responsibilities as are necessary, appropriate, or incidental to efficient and effective provision of the basic services enumerated herein.*

WHEREAS, the City Council adopted Resolution No. SP-2987, S-2005 on July 12, 2005, urging all business sectors within the territory of Quezon City to hire employees or workers without discrimination regarding their age and educational institution from which they earned their degrees;

WHEREAS, in face of rising productivity and affluence, older workers find themselves disadvantaged in their efforts to gain employment and especially to regain the same when displaced from jobs;

WHEREAS, the fast growing development of Quezon City opens the door for employment opportunities to its constituents;

WHEREAS, age discrimination in employment is quite obvious, Job Ads in papers and even in internet specify age qualifications. Thus, older people are barred from applying for jobs that they may be qualified for;

WHEREAS, with full support of the City Government individuals who have skills, knowledge and experience to do a certain job, should not be prevented from job opportunity just because of their age;

WHEREAS, it is important to give our people protection to labor, promotion to full employment and equal work opportunities free from age discrimination;

NOW THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN REGULAR SESSION ASSEMBLED:

SECTION 1. Title – This Ordinance shall be known as the “Anti-Age Discrimination Ordinance” in Quezon City.

SECTION 2. Declaration of Policy – The setting of arbitrary age limits regardless of potential for job performance has become a common practice, and certain otherwise desirable practices may work to the disadvantage of older persons. It is therefore the purpose of this Ordinance to promote employment of older persons based on their ability rather than age; to prohibit arbitrary age discrimination in employment; to help employees and workers find ways of meeting problems arising from the impact of age on employment.

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**SECTION 3. Definition of Terms.** – As used in this Ordinance, the following terms shall mean:

- a. “Age Discrimination” refers to failure or refusal of employer to hire any individual because of his/her age.
- b. “Employment” refers to commercial and industrial employment within the territorial because of his/her age.
- c. “Employer” means a person engaged in an industry affecting commerce.
- d. “Jobs Ads” refers to publication of notice or advertisement on job employment in whatever form indicating age preferences, or limitation.

**SECTION 4. Prohibited Acts** – The following practices for an employer are declared illegal and prohibited:

- a. to fail or refuse to hire any individual or otherwise discriminate against any individual with respect to his age;
- b. to limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual’s age;
- c. to cause or attempt to cause an employer to discriminate against an individual in violation of this section;
- d. to print or publish notice or advertisement indicating preference, limitation, specification, or discrimination, based on age.

**SECTION 5. Exception** – It shall not be unlawful for an employer to observe the terms of a bonafide employee retirement or a voluntary early retirement incentive plan consistent with the relevant purpose of this Ordinance. Provided, such retirement or voluntary retirement plans are in accordance with the Labor Code and other related laws.

*SECTION 6. Penalties – Any person who shall violate any provisions of this Ordinance shall suffer the penalty of imprisonment of not less than six (6) months nor more than one (1) year and a fine of not less than One Thousand Pesos (P1,000.00) nor more than Five Thousand Pesos (P5,000.00) or both, shall be imposed. Further, in case of repeated violations of the provisions of this Ordinance, the offender’s license to operate shall be revoked.*

*SECTION 7. Duties of Local Agencies Concerned. - The following government agencies are hereby mandated to provide assistance and support to ensure the effective implementation of this Ordinance:*

- a. Barangay Officials*
- b. City Legal Department and Sub-Unit Public Assistance and Legal Aid Office (PALAO)*
- c. Business Permits and License Office (BPLO)*
- d. Social Services Development Department (SSDD)*


*The said agencies shall, in addition to their regular functions, exercise the following duties.*

- a. Monitor the printing or publication of notice or advertisement indicating age preferences or limitation on employment;*
- b. Initiate the prosecution of all persons involved in violation of this Ordinance;*
- c. Receive complaints from the general public regarding age discrimination in employment within its jurisdiction and act accordingly on such complaints;*
- d. Recommend the cancellation of business permits of those found violating this Ordinance and;*
- e. Perform such acts necessary to carry out the objectives of this Ordinance.*

**SECTION 8. Separability Clause** – If any section of this Ordinance is declared invalid or unconstitutional, other provisions hereof which are not affected thereby shall continue to be in full force and effect.

**SECTION 9. Effectivity Clause** – This Ordinance shall take effect immediately upon its approval.


ENACTED: December 08, 2008

  
JORGE B. BANAL, JR.  
President Pro-Tempore  
Acting Presiding Officer

ATTESTED:

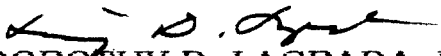
  
DOROTHY D. LAGRADA, DPA  
City Secretary

APPROVED: Feb. 12, 2009

  
FELICIANO R. BELMONTE, JR.  
City Mayor

**CERTIFICATION**

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on December 08, 2008 and was PASSED on Third/Final Reading on December 15, 2008.

  
DOROTHY D. LAGRADA, DPA  
City Secretary