



HOUSE OF REPRESENTATIVES

H. No. 4807

BY REPRESENTATIVES YAP (S.), ANGARA, BAGUILAT, LOONG,
RODRIGUEZ (R.), RODRIGUEZ (M.), HERRERA-DY, SYJUCO, SAHIDULLA
AND SEMA, PER COMMITTEE REPORT NO. 1182

AN ACT PROHIBITING RACIAL, ETHNIC AND RELIGIOUS DISCRIMINATION

*Be it enacted by the Senate and House of Representatives of the Philippines in
Congress assembled:*

1 SECTION 1. *Short Title.* – This Act shall be known as “The Anti-Racial,
2 Ethnic and Religious Discrimination Act of 2011”.

3 SEC. 2. *Declaration of Policy.* – It is the policy of the State to:

4 (a) Maintain peace and order, protect life, liberty and property, and
5 promote the general welfare for the enjoyment of the blessings of democracy
6 by all people;

7 (b) Promote a just and dynamic social order that will ensure the
8 prosperity and independence of the nation and free peoples from poverty
9 through policies that provide adequate social services, promote full
10 employment, a rising standard of living and an improved quality of life;

11 (c) Recognize and promote the rights of indigenous cultural
12 communities within the framework of national unity and development; and

1 (d) Give the highest priority to the enactment of measures that protect
2 and enhance the right of all the people to human dignity; reduce social,
3 economic and political inequalities; and remove cultural inequities by
4 equitably diffusing wealth and political power for the common good.

5 SEC. 3. *Definition of Terms.* – For the purpose of this Act, the
6 following terms shall mean:

7 (a) *Accommodation* shall refer to a house, apartment, condominium,
8 townhouse, flat, hotel, villa, motel, boarding house, hostel and dormitory.

9 (b) *Discrimination* shall refer to any distinction, exclusion, restriction
10 or reference made on the basis of race, color, descent, national or ethnic origin,
11 religion, or religious affiliation or beliefs, whether perceived or actual, which
12 has the effect or purpose of impairing or nullifying the recognition, enjoyment
13 or exercise, on an equal footing, of the human rights and fundamental freedoms
14 in the political, economic, social, cultural, civil, or any other field of public life
15 of a person.

16 (c) *Education* shall refer to all types and levels of education, and
17 includes access to education, the standard and quality of education, and the
18 conditions under which it is given.

19 (d) *Employment* shall refer to the existence of an employer-employee
20 relationship, which is determined by the four-fold test:

21 (1) Selection of the employee;

22 (2) Payment of wages;

23 (3) Power of dismissal; and

24 (4) Power of control.

25 This definition shall apply to regular, probational, contractual, seasonal
26 and project-based workers. In legitimate contracting or subcontracting
27 arrangements, the contractor/subcontractor shall be deemed the employer of
28 the contractual employee.

1 (e) *Ethnic origin* shall refer to the race, color, descent, national origin
2 and ethnolinguistics origin of a person.

3 (f) *Goods and services* shall refer to the material and nonmaterial
4 products or things of value offered for sale to satisfy needs and wants for
5 survival, comfort, or pleasure such as, but not limited to, that provided by
6 restaurants, resorts, hotels, clubs, stores and shopping malls or acts or services
7 provided by financial establishments, public utilities, professionals,
8 maintenance and repair workers, laborers, etc.

9 (g) *Indigenous peoples* as provided under Section 3(h), Chapter II of
10 Republic Act No. 8371 or “The Indigenous Peoples Rights Act of 1997”, shall
11 refer to a group of people or homogenous societies identified by self-ascription
12 and ascription by others, who have continuously lived as an organized
13 community on communally bounded and defined territory, and who have,
14 under claims of ownership since time immemorial, occupied, possessed and
15 utilized such territories, sharing common bonds of language, customs,
16 traditions and other distinctive cultural traits, or who have, through resistance
17 to political, social and cultural inroads of colonization, nonindigenous religions
18 and cultures, became historically differentiated from the majority of Filipinos.
19 Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) shall
20 likewise include peoples who are regarded as indigenous on account of their
21 descent from the populations which inhabited the country, at the time of
22 conquest or colonization, or at the time of inroads of nonindigenous religions
23 and cultures, or the establishment of present state boundaries, who retain some
24 or all of their own social, economic, cultural and political institutions, but who
25 may have been displaced from their traditional domains or who may have
26 resettled outside their ancestral domains.

1 (h) *Moro peoples* shall refer to indigenous peoples who are of the
2 Islamic faith, and who have historically inhabited some parts of Mindanao and
3 other parts of the Philippine Archipelago.

4 (i) *Muslims or moslems* shall refer to followers of the Islamic faith,
5 whether from birth or by conversion.

6 (j) *Religious belief* refers to a strong belief in a supernatural power or
7 powers that control human destiny.

8 SEC. 4. *Acts of Discrimination.* – Discrimination is committed when a
9 person treats another less favorably on the basis of race, ethnic origin, religion,
10 or religious affiliation or beliefs than the person treats or would treat another
11 without that attribute, or with a different attribute, on the same or similar
12 circumstances in the political, economic, social, cultural, civil, or any other
13 field of public life, to include, but not limited to:

14 (a) *Discrimination in Political Participation.* – Any person acting as
15 principal or agent shall be liable for discrimination through the commission of
16 any of the following acts:

17 (1) Preventing, impeding, prohibiting, obstructing or intervening in the
18 exercise of political rights by another including, but not limited to, the right to
19 vote in a national or local election, both regular or special, or in a plebiscite,
20 both initiative or referendum;

21 (2) Imposing onerous terms before these political rights are granted,
22 preserved or protected; or

23 (3) Subjecting another person who wishes to exercise a political right
24 to any other detriment, on the basis of race, ethnic origin, religion or religious
25 affiliation or beliefs of the person or of any relative, representative or assignee
26 of the person.

27 (b) *Discrimination in Employment.* – (1) Any employer or head of a
28 firm, company or organization shall be liable for discrimination by:

1 (i) Refusing or failing to employ another for work of any type or kind
2 which is available and for which the person is qualified, or by imposing on the
3 person onerous terms and conditions on the basis of race, ethnic origin,
4 religion or religious affiliation or beliefs;

5 (ii) Denying or limiting access of an employee to the same terms and
6 conditions of work, opportunities for training, transfer or promotion, or to
7 other benefits connected with the employment, as are made available for other
8 employees having the same qualifications and employed in the same
9 circumstances or work of the same kind or type, or by imposing on the person
10 onerous terms and conditions on the basis of race, ethnic origin, religion or
11 religious affiliation or beliefs; or

12 (iii) Dismissing an employee, or subjecting an applicant for employment
13 or an employee to any other detriment, on the basis of race, ethnic origin,
14 religion or religious affiliation or beliefs.

15 (2) Any person acting as principal or agent in procuring employment
16 for other persons or procuring employees for an employer shall be liable for
17 discrimination by treating an applicant seeking employment less favorably than
18 another person in the same circumstances on the basis of race, ethnic origin,
19 religion or religious affiliation or beliefs of the person or of any relative,
20 representative or assignee of the person seeking employment.

21 (3) Any person acting as principal or agent of an organization of
22 employers or employees, or any person acting or purporting to act on behalf of
23 such organization, shall be liable for discrimination by preventing or seeking to
24 prevent another person from offering employment or from continuing another
25 person in employment on the basis of race, ethnic origin, religion or religious
26 affiliation or beliefs of the person or of any relative, representative or assignee
27 of the person.

1 (c) *Discrimination in Education.* – Any person who heads or owns an
2 educational institution, including any officer, employee or person acting on
3 behalf of the head or owner of such institution shall be liable for discrimination
4 by:

5 (1) Refusing or failing to accept an applicant for admission as a
6 student;

7 (2) Denying or limiting access of a student to any benefit or privilege
8 provided by the institution;

9 (3) Expelling a student; or

10 (4) Subjecting the student to any other detriment, on the basis of race,
11 ethnic origin, religion or religious affiliation or beliefs of the student or of any
12 relative, representative or assignee of the student.

13 (d) *Discrimination in the Delivery of Goods and Services.* – Any
14 person acting as principal or agent who supplies goods or services to the public
15 or to any section of the public shall be liable for discrimination by:

16 (1) Refusing or failing on demand to supply those goods or services to
17 a person;

18 (2) Refusing or failing on demand to supply those goods or services to
19 another person except on less favorable terms or conditions than those upon
20 whom they would otherwise supply those goods or services; or

21 (3) Subjecting another person to any other detriment in connection with
22 the provision of goods or services, on the basis of race, ethnic origin, religion
23 or religious affiliation or beliefs of the person or of any relative, representative
24 or assignee of the person.

25 (e) *Discrimination in Accommodation.* – (1) Any person acting as
26 principal or agent providing accommodation shall be liable for discrimination
27 by:

1 (1) Refusing or failing to accept or process the application for any
2 interest in land, or residential or business accommodation;

3 (2) Disposing of such an interest or such accommodation to another
4 person on less favorable terms and conditions than those which are or would
5 otherwise be offered;

6 (3) Treating another person who is seeking to acquire or has acquired
7 an estate or interest or such accommodation less favorably than to others in the
8 same circumstances;

9 (4) Refusing to permit another person to occupy any land or any
10 residential or business accommodation;

11 (5) Terminating any estate or interest in land of another person or the
12 right of another person to occupy any land or any residential or business
13 accommodation; or

14 (6) Subjecting an applicant to any other detriment, on the basis of
15 race, ethnic origin, religion or religious affiliation or beliefs of the person or of
16 any relative, representative or assignee of the person.

17 (2) Any person acting as principal or agent shall also be liable for
18 discrimination by imposing or seeking to impose on another person any term or
19 condition that limits the persons or class of persons who may be the clients,
20 visitors or guests of any land or residential or business accommodation, on the
21 basis of race, ethnic origin, religion or religious affiliation or beliefs of the
22 person.

23 (f) Discrimination in Accessing Public Places, Facilities and Public
24 Meetings. – Any person acting as principal or agent shall be liable for
25 discrimination by:

26 (1) Refusing to allow another person access to or use of any such place,
27 vehicle or facilities that the public or a section thereof is entitled or allowed to
28 enter or use;

1 (2) Refusing to allow another person access to or use of any such place,
2 vehicle or facilities by providing onerous terms and conditions not similar to
3 others whom they would otherwise allow access to or use of the place, vehicle
4 or facilities;

5 (3) Refusing to allow another person access to a meeting or assembly
6 open to the public or to a section thereof, or the refusal to allow another access
7 to a meeting or assembly by providing onerous terms and conditions not
8 similar to others to which they would otherwise allow access to a meeting or
9 assembly;

10 (4) Requiring another person to leave or cease to use any such place,
11 vehicle or any such facilities; or

12 (5) Subjecting a person wishing to access public places, facilities or
13 public meetings to any other detriment, on the basis of race, ethnic origin,
14 religion or religious affiliation or beliefs of the person or of any relative,
15 representative or assignee of the person.

16 (g) *Discrimination in Advertisements/Mass Media.* – Any person
17 acting as principal or agent shall be liable for discrimination by:

18 (1) Portraying certain persons in movies, films and advertisements on
19 television and other audio-visual forms and other publicly accessible
20 documents as “uncivilized”, “barbaric”, “savages”, “dirty”, “wild”, “ignorant”,
21 “silly”, and the like, on the basis of race, ethnic origin, religion or religious
22 affiliation or beliefs; or

23 (2) Publishing, displaying, or causing or permitting to be published or
24 displayed an advertisement or notice that indicates or could reasonably be
25 understood as indicating an intention to do an act that is unlawful by reason of
26 a provision of this Act.

27 (h) *Discrimination by Wrongful Portrayal.* – Any person acting as
28 principal or agent shall be liable for discrimination by *portraying, intimating,*

1 depicting or describing in learning institutions, instructional materials, teaching
2 devices, books and reference materials, especially in Civics and History,
3 certain individuals and/or group/s as racially inferior.

4 (i) Inciting Others to Commit Acts of Discrimination. – Any person
5 acting as principal or agent shall be liable for discrimination by inciting others
6 to commit discrimination or any action that is unlawful by reason of a
7 provision of this Act, or by assisting or promoting, whether through financial
8 assistance or otherwise, the doing of such act.

9 (j) Discrimination Through Speeches, Utterances, Acts of Hatred and
10 Similar Acts. – Any person shall be liable for discrimination by delivering
11 speeches or making utterances, doing acts of hatred or violence against another
12 person, or mocking or ridiculing another person on the basis of race, ethnic
13 background, and/or religion, religious affiliation or religious beliefs.

14 (k) Discrimination Through Analogous Acts That Result in Impairment
15 of the Enjoyment of Human Rights and Fundamental Freedoms. – Any person
16 acting as principal or agent shall be liable for discrimination by analogous acts
17 which have the effect or purpose of impairing or nullifying the recognition,
18 enjoyment or exercise of the person's human rights and fundamental freedoms
19 in the political, economic, social, cultural and civil spheres on the basis of race,
20 ethnic origin, religion or religious affiliation or beliefs.

21 SEC. 5. *Persons Liable.* – Any person, natural or juridical, including
22 government or private corporation, institution or company who commits
23 discrimination through any of the acts described in the preceding section shall
24 be liable under this Act.

25 Any person who requests, instructs, induces, encourages, authorizes or
26 assists another to commit acts of discrimination shall also be liable under this
27 Act. Any person who is duty-bound to act on complaints of discrimination
28 under this Act but fails or refuses to do so shall be deemed to have sanctioned

1 the discriminatory act, and shall consequently be held equally liable for
2 discrimination.

3 All government officers and workers are obliged to promote
4 nondiscrimination in the discharge of their duties and responsibilities.

5 SEC. 6. *Duty of the Commission on Human Rights (CHR)*. – It shall
6 be the duty of the Commission on Human Rights (CHR), in coordination with
7 the National Commission on Indigenous Peoples and the National Commission
8 on Muslim Filipinos, to prevent or deter the commission of acts of
9 discrimination and to provide the procedures for the resolution, settlement or
10 prosecution of acts of discrimination. Towards this end, the CHR shall:

11 (a) Promulgate appropriate rules and regulations for the investigation
12 of discrimination cases and the administrative sanctions therefor;

13 (b) Ensure the creation of committees on nondiscrimination and equal
14 opportunity in all agencies, corporations, companies and educational
15 institutions, whether private or public;

16 (c) Oversee the implementation of this Act by agencies, corporations,
17 companies and educational institutions, *whether private or public*;

18 (d) Establish guidelines and mechanisms that will facilitate access of
19 discriminated persons to legal remedies under this Act and related laws, and
20 enhance the protection and promotion of the rights of the Filipino people
21 against discrimination on the basis of racial or ethnic origin and religious belief
22 or affiliation.

23 (e) Coordinate with the Department of Education (DepED) for the
24 promotion of understanding and racial harmony in schools, and the review of
25 books and reference materials that portray indigenous peoples or certain
26 religious practices in a discriminatory way;

27 (f) Conduct consultations with indigenous peoples and religious
28 organizations; and

1 (g) Assist in the filing of cases against individuals, agencies,
2 institutions or establishments, whether private or public, that violate the
3 provisions of this Act. For this purpose, the CHR shall:

4 (1) Provide legal assistance to victims of discrimination such as
5 through the preparation of necessary pleadings, referral letters and counseling;

6 (2) Forge Memoranda of Agreement with Bar Associations,
7 nongovernmental organizations, law firms, and organizations that provide legal
8 aid to victims of discrimination to ensure adequate and competent legal
9 representation for the complainants;

10 (3) Accredite lawyers who will accept *pro bono* cases under this Act;
11 and

12 (4) Create an efficient system of case referrals to appropriate
13 government departments or agencies.

14 SEC. 7. *Responsibility to Promote a Nondiscrimination and Equal*
15 *Opportunity Environment.* -- It shall be the duty of every person, natural or
16 juridical, public or private, to ensure nondiscrimination and equal opportunity
17 for all persons in relating to actual or prospective employees, students, tenants,
18 customers or clients, and that no discriminatory acts, as defined herein, is
19 committed by them or their agents in the areas defined under Section 4 of this
20 Act.

21 For this purpose, agencies, corporations, companies and educational
22 institutions as well as any person providing employment, housing, education
23 and the delivery of basic goods and services shall issue a nondiscrimination
24 and equal opportunity policy, and create a Nondiscrimination and Equal
25 Opportunity Committee in their respective organizations, as provided for in
26 Section 8 hereof. Failure to do so shall be deemed as refusal to address
27 discrimination and shall be considered as an act of discrimination subject to the
28 penalty provided for in Section 9 hereof.

1 SEC. 8. *Nondiscrimination and Equal Opportunity Committee.* – In
2 order to ensure compliance with this Act, all agencies, corporations, companies
3 and educational institutions, whether private or public, shall create a
4 Nondiscrimination and Equal Opportunity Committee, which shall exercise
5 administrative jurisdiction to investigate acts and practices of discrimination
6 under this Act.

7 The Committee shall, among others, conduct the initial investigation of
8 cases constituting discrimination on the basis of race, ethnic background,
9 religion, religious affiliation or religious beliefs. The results and findings of
10 such investigation shall be submitted to and acted upon by the CHR which
11 shall have the sole jurisdiction over administrative cases of discrimination.

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

17 SEC. 9. *Common Penal Provisions.* – Any person liable under this
18 Act shall be penalized by *arresto mayor* or imprisonment for a period of not
19 less than thirty (30) days or more than six (6) months and/or a fine of not less
20 than Ten thousand pesos (Php10,000.00) nor more than One hundred thousand
21 pesos (Php100,000.00), taking into consideration the circumstances and
22 gravity of the offense and the following conditions, to wit:

23 (a) The penalty provided under this Act shall be imposed in its
24 maximum period if the offender has been previously convicted under this Act;

25 (b) When the offender is a corporation, partnership or association, the
26 officer or employee thereof who is responsible for the violation of this Act
27 shall suffer the penalty imposed in its maximum period;

1 (c) The penalty provided herein shall be imposed in its maximum
2 period when the perpetrator is an ascendant, parent, guardian, stepparent or
3 collateral relative within the second degree of consanguinity or affinity of the
4 victim, or is the manager or owner of an establishment which has no license to
5 operate or whose license has expired or has been previously revoked;

6 (d) An offender who is a foreigner shall be deported immediately after
7 service of sentence and shall be forever barred entry into the country;

8 (e) The penalty provided for in this Act shall be imposed in its
9 maximum period if the offender is a public official, officer or employee:
10 *Provided*, That the penalty of suspension shall also be imposed; and

11 (f) A fine to be determined by the court shall be imposed, which shall
12 be remitted by the courts to the CHR to be administered as a cash fund and
13 disbursed for the assistance of the victims.

14 SEC. 10. *Administrative Proceedings and Sanctions.* – Upon finding
15 by the CHR that a department, agency or instrumentality of government,
16 government-owned and -controlled corporation, or local government unit has
17 violated any provision of this Act and its implementing rules and regulations,
18 the sanctions under administrative law, civil service, or other appropriate laws
19 shall be recommended to the Civil Service Commission (CSC) and/or the
20 Department of the Interior and Local Government (DILG). The person
21 directly responsible for the violation as well as the head of the agency or local
22 chief executive shall be held liable under this Act.

23 SEC. 11. *Reparation to Victims.* – In addition to existing laws and
24 procedural rules for reparation to victims, the following measures shall be
25 undertaken:

26 (a) The court, administrative agency, or quasi-judicial body shall
27 follow the principles relating to the reparations to, or in respect of, victims,
28 including restitution, compensation and rehabilitation. In their decisions, the

1 court, administrative agency, or quasi-judicial body may, either upon request
2 or on their own volition, in exceptional circumstances, determine the scope and
3 extent of any damage, loss or injury to the victims, stating therein the
4 principles on which they are acting;

5 (b) The court, administrative agency, or quasi-judicial body may make
6 an order directly against a convicted person, specifying appropriate reparation
7 to, or in respect of, victims, including restitution, compensation and
8 rehabilitation; and

9 (c) Before making an order under this section, the court, administrative
10 agency, or quasi-judicial body shall invite and shall take into account
11 representations from, or on behalf of, the convicted person, victims or other
12 interested persons.

13 Nothing in this section shall be interpreted as prejudicing the rights of
14 victims under national or international law.

15 SEC. 12. *Separability Clause.* – If any portion or provision of this Act
16 is declared void or unconstitutional, the remaining portions or provisions
17 hereof shall not be affected by such declaration.

18 SEC. 13. *Repealing Clause.* – Any provision of law or regulations
19 inconsistent herewith is hereby repealed, revoked or modified accordingly.

20 SEC. 14. *Effectivity.* – This Act shall take effect after fifteen (15) days
21 following its publication in the *Official Gazette* or in two (2) national
22 newspapers of general circulation in the Philippines.

Approved,

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